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RECOLLECTIONS OF MISSISSIPPI
AND MISSISSIPPIANS

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BY

REUBEN DAVIS



BOSTON AND NEW YORK
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1890

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These Recollections

ARE DEDICATED TO THE

LAWYERS OF MISSISSIPPI

**BY ONE WHO IS NOT ONLY THE OLDEST MISSISSIPPIAN NOW IN THE
PROFESSION, BUT WHO IS THE SOLE SURVIVOR OF THE
BAR OF FIFTY YEARS AGO.**

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RECOLLECTIONS OF MISSISSIPPI.

CHAPTER I.

THE life of every man of action is full of incident, more or less interesting to those who come after him ; and especially is this the case when that life includes the early scenes of a newly-settled country, and the stirring events that led up to and culminated in a civil war of vast proportions and results. Perhaps some slight record of such a life as this, and some brief sketches of the men and manners of a period fast becoming historic, may not be unacceptable to the Mississippian of to-day. In writing a sketch of my own life, I mean to make it a thread upon which to string some memories of old friends and comrades, and of the stirring times through which we passed together. Many of them — most of them, alas! — have passed “beyond the river,” and the world has changed since we were young together. If those who come to take their places are as brave, honest, kindly, and loyal, they also may hope to build up and redeem the country bequeathed to them by noble sires.

My father was one of the earliest settlers in this country. He was a man of limited means, and though of strong and vigorous intellect, had only the imperfect education of the pioneers of that day. His chief study was the Bible and a few volumes of history, which formed his only library. Although a Baptist minister of high standing, he occupied himself, during the week, with ordinary farm labor, and could never be induced to accept any compensation for his services in the church: this would have been, according to his belief, "serving the Lord for hire." Both my parents were born in Virginia, and remained there after marriage until ten children were added to their family. They then removed to Tennessee, and settled near Winchester, where I, their twelfth and last child, was born. I can remember that I was a feeble child, and considered very inferior to my brothers and sisters in strength and endurance, yet I have outlived them all, and am the last of that large household.

When I was about five years of age, my father removed from Tennessee to North Alabama. The land had been recently purchased from the Indians, and many of them yet roamed the dense forests of that section. I well remember how I hunted with these wild companions, and was taught by them to use the bow and arrow. Even now I can recall something of the emotion excited in my youthful breast by the wild yells of a party of

drunken savages passing near my father's house. Occasional deeds of frightful atrocity were committed in the immediate neighborhood. Long before I was competent to reason upon it, the problem of race-hatred was forced upon my observation. The fierce antagonism of one race for another and the frequent rising of the conquered against the conqueror were met then as practical questions, — as the fashion of the day was, — without much speculation or moralizing. Later in life I have encountered the same problem under new phases, and I confess that I still see no way out of the difficulties presented by it.

At that time the country was as wild and unsettled as possible ; there were no laws, no schools, and no libraries. Every man did what was right in his own eyes, but in spite of general recklessness and lawlessness, there was a rough code of honor and honesty which was rarely broken. The settlers lived a life of great toil and many privations, but they were eminently social, kindly, and friendly. They practised the most cordial and unstinted hospitality ; and in case of sorrow or sickness, or need of any kind, there was no limit to the ready service rendered by neighbors and friends. In those days, people who lived many miles apart counted themselves as neighbors, and even strangers soon became friends. There was this great advantage that, while none were very wealthy, few were poor enough to suffer actual

want. As an American poet has said of another Arcadian country, "There the richest were poor, and the poorest had all in abundance." The simple habits of the laboring man were not shamed by the ostentation of his more prosperous neighbor; and there was none of that silent, perpetual contrast of luxury and penury, which now adds bitterness to class-hatreds, and, perhaps, lies at the root of the labor troubles of to-day.

At the sale of public lands, ordered by the general government, my father purchased a section of good land.

Clearing land and opening a farm required constant and severe labor, and I, with my five brothers, performed our full share. Upon this farm I remained until I was sixteen years old. By this time we had conquered the first difficulties that the settler encountered, and our home, though plain, was one of comfort and great abundance. My brothers and myself, assisted by six colored hands, cultivated the land, and attended school only about three months in the year. In this way we learned to read and write, as well as the rudiments of arithmetic and a little Latin. Unfortunately, these schools were for the most part taught by incompetent adventurers, who, having failed at everything else, offered themselves as teachers. My father did not allow his children to read the Bible, holding that it could be studied with profit only by those whose minds were fully

matured and informed by experience. I was, however, taught that the world was exactly six thousand years old, and I believed it to a day; I was told that Adam was created out of the dust of the ground, and Eve out of a rib of Adam's side; I believed this too. I was informed that, placed in a delightful garden, they ate of the forbidden tree, and thus came death and all our woe! All this I devoutly believed upon my father's testimony; and if, in later years, I have questioned many things that I accepted then, I have never seen reason to regret that my boyish mind was nourished upon a religious system containing a few simple beliefs and a rigid morality.

Having few books and no excitements in life, my mind naturally exercised itself upon the life around me and the wonders of nature. The histories I read inflamed my imagination with hints of the great world outside of the quiet valley which was all I knew. I longed to learn; to take my part in active life, and to have some small share in the brilliant rewards held out to honorable ambition.

My mother died when I was about twelve years old, and the grief which this loss occasioned shadowed my existence for years. She was a woman of great tenderness and sweetness of character, and I was passionately devoted to her. Throughout my whole life, I have carried the most affectionate memory of her in my heart. Although

naturally of a sanguine temperament, I had occasional fits of deep despondency, induced, as I now see, by the monotony of my life, and the apparent lack of prospect for getting on in the world.

About this time, also, I was penetrated by what I considered an undying passion for a little girl who went to the same school with me. She was in my eyes the most beautiful and amiable of human creatures. What agonies of love and shyness I suffered on account of her! After some time, which seems an eternity in my recollection, her family removed to a distant part of the country; and before I saw her again, we were both grown and married. She has long been dead, — a woman old and worn, — and is no doubt forgotten except by one old man, to whom she remains the innocent mite of a girl who charmed his boyish fancy.

While still but a lad, I left home to begin a new chapter in my preparation for life. My father had decided, after much hesitation and many misgivings, that I should be allowed to study medicine. All my own desires pointed even then to the law, but my father held stubbornly to his peculiar theories on that subject. It was very clear to him, he said, that lawyers were wholly given up to the Devil even in this world, and that it was impossible for any one of them ever to enter the kingdom of heaven. That being the case, he could not, in conscience, allow a son of his

to enter the ranks of a profession foredoomed to everlasting burnings. He also entertained strong doubts as to the final welfare of medical men in general, but admitted that some few might be saved, provided they used their best endeavors not to kill their patients, and resisted all temptation to prolong illnesses with a view to pecuniary profit. After solemn admonitions on these points, I left home, with my father's consent and blessing, to read medicine with my brother-in-law, Dr. George Higgason, in Hamilton, Monroe County, Miss. It was about sixty years ago that I thus became a citizen of Monroe County, and cast in my lot with a people with whom I have been identified for more than half a century.

I was fortunate in being placed with Dr. Higgason, who was not only an excellent physician, but an elegant and accomplished gentleman; he was a man of extensive reading, and his information was accurate. So great was his popularity that he was repeatedly elected to the legislature. At that time Monroe County was composed of the territory lying between the Alabama line and the Tombigbee River. Hamilton was the county seat, and was a delightful village of some five or six hundred people. The country was for the most part covered with forest, and very abundantly watered. A malignant type of bilious fever prevailed in those days, and was too often fatal. In many of its symptoms it closely resembled yellow

fever, and at that early day the medical profession had not learned to manage that class of diseases. Owing to the great fertility of the soil, the people were generally prosperous. I suppose there was never a community more frank and genial in their hospitality, or more liberal in their dealings with both friend and stranger. It is not too much to say that every house was opened to the traveller — every hand outstretched to aid and welcome him. It seemed impossible to pass a house without stopping to eat and drink with the friendly owners, or to spend the night. Instead of regarding it as a trespass upon their hospitality, these good people actually seemed hurt and offended if even a stranger passed without breaking bread with them. There were few ladies, comparatively, and among such a chivalrous body of southrons those few had everything their own way. Most of them were lovely and elegant women, and, in spite of the roughness of life in a newly-settled country, they were treated like queens by every man who approached them. Some of those gracious and beautiful women are still embalmed in my most grateful and affectionate remembrance for their kindness and attention to me. As I was still a mere boy, shy and awkward, and wholly unaccustomed to society, I don't know what would have become of me without the advice and encouragement of these kind friends. They have grown old long ago, and passed away from this world, but in my memory

they live always, fair and young, and blessing all around them with their sweet and gracious kindness. May the earth lie lightly above them!

This journey to Hamilton being my first glimpse of the world outside of my own neighborhood, I was naturally much impressed by everything I saw and heard, and particularly by the people I met. Dr. Higgason and I travelled on horseback, as was the custom for men, women, and children in those days. The country between Russellville and the state line is full of natural beauty, and at that time was much wilder and more impressive than it is now. Most of our way lay through almost unbroken wilds, and the bright streams and water-courses flowed through a virgin land in all the fresh beauty of a new creation. Soon after crossing the Mississippi line, we came to the plantation of Mr. Reagen, who was the first Mississippian I became acquainted with, and whose cordial greeting seemed to welcome me to the State as well as to his own fireside. He had a valuable place in the rich bottom lands of the Sipsey, and his family lived most comfortably in a neat log-house, well finished and well furnished. They were kind, Christian people, and, as Dr. Higgason was their family physician, received me as a friend, and gave me a standing invitation to their house. That night we stopped at the house of Mr. Benjamin Lann, and received all the kindness that could be extended to the most honored guest. His good

wife smiled as she presided over her well-spread table, and pressed each dish upon the travellers. There were young people in the house, and some of the youthful neighbors coming in, we had a merry evening. From there to Hamilton we stopped for a longer or shorter time at every house. Higgason knew everybody, and everybody knew him, and I began to feel that it would be my own fault if I did not soon feel at home in such a genial atmosphere. Especially was this conviction forced upon me when we spent one night at the house of Colonel Willis, at that time one of the most prominent citizens of the county. He was originally from Georgia, a man of cultivated mind and polished manners, and of means sufficient to enable him to live in much more style than was at that time common in this country. His plantation was large, and cultivated by many negroes. It was adorned by a very handsome and commodious dwelling, and was the happy home of one of the most agreeable families I have ever known. His wife was an accomplished and charming woman, and she had the rare good sense to adapt herself to the life her husband's interests required, and to find happiness and contentment in her cheerful domestic life. I shall never forget the kindness of these good people both then and during the many years during which they continued my steadfast and faithful friends. They said to me when I bade them good-by after that first

visit, "You are young to be away from home. When you get homesick, come out to us, and let us try to make this another home for you." Thus began a friendship that was never broken until death removed these generous souls.

CHAPTER II.

ABOUT this time a young man, T. M. Tucker, came to Hamilton to study law under Daniel W. Wright, a prominent lawyer of that place. Circumstances threw us together, and a certain similarity of position and a strong mutual sympathy under the embarrassments of our first social failures, combined to make us early and fast friends. We passed all our leisure hours together, and both of us studied hard, and avoided all dissipation. Daniel W. Wright was very kind to us both, and I have to record my gratitude to him for much friendly notice and encouragement. He was profoundly read as a lawyer and really a brilliant speaker. I passed many hours at his house, which was made charming by the gentleness of his wife. Speaking of Wright naturally suggests his friend and compeer, James L. Trotter, one of the noblest and best of men. There are no words too strong to express the veneration and admiration I felt for him, and it was one of those rare instances where the enthusiastic judgment of early days was fully endorsed in the calmer period of later life. He was a good scholar and a fine speaker, kind and generous above measure ; incapable of

fear, treachery, or meanness, he was the ideal Southerner of that day. He had a sister in all respects worthy of such a brother, and from both of them I received great and considerate kindness.

Then there was General Stephen Cocke, a lawyer of great ability, but destitute of any power of oratory. While equal to the best in mere conversational ability, he appeared to lose all power of expression as soon as he rose to speak. Like "Blass," in "Flush Times," he knew all the law there was, but could n't "*orate* it from the stump" to save his life. I knew him intimately for many years; and if he had any failing which his friends could not tenderly condone, loving him the better for sharing our common frailty, I never found it out. I suppose there never was a better man than Stephen Cocke, and his generosity was proverbial. His two nieces — the Misses Buckingham — lived with him, and were great friends of mine. They were lovely women, and no sisters could have been kinder than I always found them, nor more painstaking in their efforts to improve me. The position they occupied in society gave them frequent opportunities of drawing out such young men as were so fortunate as to be noticed by them, and they had the kindness and tact to smooth many rough places for us. Some years older than myself, they have long since gone to those Elysian fields for which their amiable lives here were a fitting preparation.

Small as the population of Hamilton was, it contained many other ladies and gentlemen of excellent gifts and attainments, and was the scene of many festive occasions which we regarded as brilliant social events. One of these I remember well, it being the first public ball I ever attended. We had suffered from a long, hot summer, and the prevailing malarial fever had been universally severe and depressing in its effects. At last, fresh breezes cooled the air, and heavy frosts dispelled the poisonous emanations which had oppressed us. In the gladness of our hearts it was determined to give a grand ball, and the finest beaux and gayest belles of old Monroe were to be in attendance. Any gentleman of fair social standing, who could procure a decent suit of clothing and five dollars for his ticket, was welcome. Ah, what a night that was, and with what a beating heart I donned my best attire for the festival! In those days young fellows were more showy in their outfit than they are now, and I put on with great satisfaction a swallow-tailed coat of bright blue cloth and brass buttons, buff doeskin trousers, white waistcoat, ruffled shirt, silk stockings, and pumps.

The young ladies were gorgeous. They were plainer in their every-day apparel than girls of this day, but on great occasions they wore frocks of rich silk stuffs and fine gay colors, and they had all sorts of lace tuckers and frills, and wore their hair curled and frizzed in a very artful manner.

I won't go so far as to say that women are less handsome nowadays, but I never see any of them look as radiant as they did in the year eighteen hundred and—never mind what. It is sometimes a mistake to be too particular about dates. We danced reels in those days, and generally kept it up all night. I remember how carefully I walked through my first attempt, and how proud I was when my partner got through all right. It was, no doubt, more owing to her skill than my own; but I felt the triumph all the same, and a delicious sense of escape from failure and disgrace. Poor Tucker was more ambitious and less fortunate. He tried to cut some flourishes, got his pumps tangled up in the ladies' dresses, and was dreadfully mortified by the confusion that ensued. I was sorry for him, but not so sorry as I should have been if I had felt less complacent over my own escape.

There was a Miss Walker present, a niece of General Winfield Scott, with whom I danced a great deal. I wanted to dance with the beautiful Misses Walton, sisters of the late Mr. Joe Walton; but they had just come home from boarding-school, and were said to be so tremendously accomplished that I was afraid of them. They belonged to a remarkably handsome family, and I thought then, as I think now, that there never lived more beautiful creatures. Afterwards I knew them well, attended the weddings of both sisters at Cotton Gin several

years later, and had the honor of dancing the first reel with each fair bride after the marriage ceremony. Gone, alas, are the old familiar faces, but out of the past they still shine upon me with the old friendly lustre, and I feel how pleasant and mournful to the soul are the memories of joys that are gone.

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CHAPTER III.

IN a short time I became well acquainted with the people of Hamilton and its vicinity. Looking back at this advanced period, I ask myself why there was such a marked superiority in mental and moral tone to that which now exists. In many important respects our people are now far in advance of those who preceded them. Especially is this the case in all the practical arts and sciences, the inventions that facilitate labor, and make life easy and comfortable. That is one great drawback to our civilization. People get too tender, and lack the courage to work, which is the best sort of courage a man can have. In the good old days we lived closer to mother Earth, and drew strength from her bosom.

At that time even the richest and most cultivated had few books compared to the flood that now pours into every household. The few precious volumes that could be obtained were studied more carefully, and reflected upon with more profit. It has been said "Beware of the man with only one book," and it is certain that the men of that time, who were destitute of many of the so-called advantages of the day, developed a

vigorous manhood rarely seen now. Trained to prompt action in every emergency, they had all their faculties keenly upon the alert, and met intellectual questions with the same fearlessness which they were accustomed to show in their conflict with the difficulties of a new society. It is scarcely possible for young men in the habit of regarding college-life as the only education to estimate the sort of training which the exigencies of daily life gave to those who were building a civilized State out of a newly conquered wilderness.

It was to the moral fibre of these pioneers that we chiefly owe the wonderful success they achieved. I wish to state this very strongly because I am aware that, upon this subject, much injustice has been done us, both at home and abroad. Our first settlers have too often been characterized as a set of ruffians and desperadoes, whose courage degenerated into ferocity, and whose freedom was license and debauchery. The Mississippian has been caricatured into a swaggering rowdy, always drinking whiskey and flourishing revolvers and bowie-knives. It is true that many of them drank hard, swore freely, and were utterly reckless of consequences when their passions were aroused. But it is equally true that the great body of the settlers were sober, industrious men, who met hardships and toil with patient courage, and whose hands were as ready to extend help as they were to resist violence and oppression. They took life

jovially, and enjoyed such pleasures as they could come by. Although a God-fearing people — for infidelity was unknown — there was nothing strait-laced about their religion. They attended divine worship in a reverent spirit, and endeavored to do their duty to God and man, so far as they saw it. Even the strictest of them made no scruple about a social glass, or a lively dance, or a game of cards, or even of an honest hand-to-hand fight under due provocation. Minister as he was, my father never doubted that it was part of his Christian duty to knock down any rascal who happened to deserve such discipline. People had not begun to write about muscular Christianity in those days, but they understood and practised it. Their creed was generally simple. A man ought to fear God, and mind his business. He should be respectful and courteous to all women; he should love his friends and hate his enemies. He should eat when he was hungry, drink when he was thirsty, dance when he was merry, vote for the candidate he liked best, and knock down any man who questioned his right to these privileges. He was almost always an ardent politician, and a strong partisan on whichever side he enlisted. But a man would have been held in reprobation who should attempt to serve his party by fraud and corruption. There was no ballot-box stuffing.

It is probable that the greater simplicity of social habit brought people nearer together, and

made man's common brotherhood more readily felt. Certain it is that mutual help and encouragement was the rule and not the exception, and when adversity threatened, neighbors relied upon each other as if they were members of one great family. The world has of necessity grown colder and more selfish as those primitive days recede into the dim past, and in grasping all things, men let happiness slip out of their hands.

People are less religious now than they used to be, though they have so many more churches and preachers to keep them in the right way. I do not profess to be what is called orthodox myself, nor to believe all that was taught in my father's house; but the longer I live, the more clearly I see that without religion and morality no nation or individual can prosper. It is the youth who lives an orderly and moral life, and who reverences all sacred teachings, who grows up into a prosperous man and a good citizen.

During the first two years after I went to Hamilton, little occurred worthy of detail here. I studied hard, generally reading twelve hours a day. This was too much, and I now see that I might have made better progress with less application. However, I was conscious of many deficiencies, and felt that I must lose no time. Dr. Higgason seemed of the same opinion, and I injured my health by too many hours' confinement. I attempted too much, and failed to master completely

any one branch of my subject. When I came to the practice of medicine, I discovered that my knowledge was superficial, and tried to remedy this imperfection by careful study of one branch at a time. At first I was too ignorant even to know how best to employ such advantages as were offered me. Once more I must refer to the great kindness and encouragement I received from leading citizens of Hamilton, who in the midst of their busy lives found time to give friendly help and counsel to the diffident and awkward boy who sorely needed such assistance. Kind words and deeds are good seed wherever scattered, but nowhere is the harvest more abundant than when sown in the heart of a struggling and self-distrustful youth. To this day I can never think without emotion of the people who were kind to me then.

Among these friends I must particularly mention William Bellington, to whom I am indebted as much as to any other man, for such small success as I have had in life. He was from Philadelphia, and had received the advantage of a classical education, and also of an early acquaintance with an old and polished society. I have never known a better heart. For some reason, he took me in a manner under his protection, often talked with me, and led me to read books outside of my medical course. With him I first became familiar with Shakespeare and other poets. His influence

confirmed me in my determination to become a lawyer.

Some of the young men of the village formed themselves into a Debating Club. I attended one of their meetings, and through the politeness of some of the members, was induced to speak. My remarks had the merit of brevity, and probably of little else, but they were indulgently received, and several gentlemen were kind enough to say that I had qualities that would lead to success as a debater. These favorable comments sank deep in my mind, and strengthened the aversion I already felt for the life marked out for me. I felt that I could never be happy or successful as a physician.

All this time I worked hard at my medical studies. Tucker and myself were constantly together, but rarely joined in the amusements of the other young men. Once we attended a ball at Quincy, and that was made memorable to me by being the occasion of my first personal encounter. Engaged in the pleasures of the evening, some question arose as to precedence of claim upon the attention of one of the ladies. To my great surprise I was grossly insulted by the gentleman whose claims conflicted with mine. Justly outraged, I no sooner withdrew my adversary from the presence of the ladies than I challenged him to defend himself, and assaulted him with my pocket-knife. In this I was sustained by all pre-

sent, and the general sentiment was that I had done well to maintain my honor against the assault of an ill-mannered and violent bully. This action I have never regretted, holding that a man has a right to defend his honor whenever and by whomsoever assailed. Had I submitted tamely to this insult, my whole future career would have been blighted by it, and I should have lost all claim to the respect and good-opinion of my fellow-citizens.

CHAPTER IV.

MY two years of study ended, I returned home for a short visit, and had the satisfaction of being commended by my family for what they considered an improvement in manly qualities. From there, I went to Memphis, Tennessee, hoping to find a good opening for future work in that new place. After several days' journey on horseback, I reached Memphis late one summer afternoon. It was then a small town, ugly, dirty, and sickly. While supper was being got for me at the tavern, I walked through the miserable streets, and out upon the banks of the river. I shall never forget the dreariness of that night, nor the despondency into which I fell when I tried to bring myself to consider this as my future home. I passed much of the night in reflection, and became convinced that I could not maintain myself there. Everything pointed to the certainty that in a short time this squalid village must grow to be a great and wealthy city, but I had no confidence in my destiny as one of the builders of it. For many years the population would be rough and lawless, and the locality and sanitary condition of the town promised that disease and death would hold high carnival there.

Even should I survive these perils, what prospect had I for success? I was very young, had studied medicine in no college, had only money enough to support me for a few months; and, with all these disadvantages, would have to compete with men fully equipped for the struggle. My courage failed, and, after an early breakfast, I turned my face homewards.

My brother William at that time lived in Somerville, Tennessee. He was a lawyer of considerable standing in that place, and was making both money and reputation. It was upon his suggestion, and his promise of assistance, that the plan of location in Memphis had been made. When he saw me return, he was very much surprised and disgusted. He was a man of unusual mental force, and had such strong common-sense and knowledge of business that his judgment was almost unerring. He was prudent in the management of his affairs, but always just and generous in the highest degree. In this place I may say that he afterwards removed to Texas, where he was widely known and honored. He accumulated a handsome fortune, and reared a large family, none of whom survive him, except three sons who now reside at El Paso.

I never knew a manlier man than my brother William, and he continued the same until his death, which took place in Texas some years ago, he having reached a very advanced age. With

him perished the last link that connected me with the scenes and associations of our earlier lives.

My brother had a just confidence in his opinions, and was somewhat absolute in maintaining them. I had great affection and respect for him, and always hesitated to question the wisdom of his advice. In this case I ventured to defend my own opinion, and he finally agreed that I had perhaps acted wisely. I remained with him a few days. In returning home, my road lay through Bolivar, and thence to the house of Mr. Chambers, on the line between Tennessee and the Chickasaw Nation of Indians.

My brother had collected thirty-six hundred dollars for some merchants in Russellville. It was not easy to transmit money safely at that time, and he proposed to send this by me. I do not believe I had ever seen that much money at one time before, and I was appalled at the responsibility of carrying such an immense sum through the solitary region I must traverse. The possibility of being robbed and perhaps murdered was bad enough, but the fear of losing the money and being suspected of conniving at its loss, in order to purchase my own safety, made the blood run cold in my veins. Protests were in vain. Brother William was inflexible, and I departed with the gold concealed about my person, and the burden of it heavy upon my spirits. I had not even a pocket-knife as a defensive weapon, and there had

been recently reported several cases of robbery and murder on the trail between Chambers's house and Buzzard's Roost. If I could reach Buzzard's Roost, which was near the Alabama line, in safety, my way thenceforward lay through a thickly settled country. I left Bolivar at dawn the second day, hoping to reach Chambers's before sunset. Darkness overtook me some four miles from that place, and I got very nervous. Seeing a fire by the roadside, I felt that my time was come, but it proved to be only an emigrant camping out. The next morning I was delayed by a late breakfast, and set forth with a profound conviction that my possession of a large sum of money was known all along the road, and that I should surely be robbed before nightfall. Before I had gone ten miles I saw a man on horseback beside the road, apparently waiting for some one. To my utter consternation he called out, "Come on, I have been waiting for you all the morning." All my fears now became certainties. This man was a rough, ill-looking fellow. I thought I could behold a "laughing devil" in his face.

I examined his horse, and was somewhat reassured by the certainty that I could beat him if it came to a race. He wore a butcher-knife stuck in his belt. I kept on his left side and watched him narrowly. After we had traversed several miles in this way, I joyfully beheld a large open knife lying by the roadside, and lost no time

in securing this treasure. About noon we came to a creek, and the man insisted that I should stop to eat and rest. As I refused, he kept on with me, and I never halted until I reached Buzzard's Roost. Next morning I found him again waiting for me on the road, and he informed me that an Indian had stolen his knife while he slept. I parted with him at Russellville, giving him the knife I had found. Ten years afterwards I met him in the town of Houston, Mississippi. He recognized me, and referred to the journey we had taken through the woods together. I was at that time acting district attorney for the Houston court. The grand jury found several bills against the man, who called himself Johnson, for corn stealing, and he fled from the country.

I have always believed that my finding that knife by the wayside saved my money, and possibly my life, from this rascal. How came it there? Was some good spirit watching over me, or did chance befriend my inexperienced footsteps? These questions have come to me more than once in my life, when I have been led safely through perils which seemed about to overwhelm me.

CHAPTER V.

I now settled down in Russellville, and there began the practice of medicine. My first patients were the young men of my own age, who were, I suppose, willing to risk their lives in the cause of friendship, and who were probably too ignorant of the deadly nature of the treatment then in use to be aware how great the risk really was. Calomel and laudanum, drastic purgatives, blisters and starvation, was the rule, and it is no wonder that few survived to tell the tale. During the summer and fall my practice steadily increased. For this I was largely indebted to Drs. Gray and Holland, who were the leading physicians of the place, and widely known throughout that whole country for skill and experience. Both these gentlemen treated me most generously, giving me the benefit of their advice and instruction, and recommending me to the public as well-informed in the principles of medicine, and prudent in practice.

It was in the fall of that year, 1828, that pneumonia prevailed as an epidemic, and the mortality was frightful. Gray and Holland not only controlled the practice, but dictated the treatment to practitioners of less note. I was perfectly familiar

with the system of treatment observed by these two eminent men, and being called in by a Mr. Harall to attend his son, I adopted the usual remedies. In less than two days I was convinced that my patient grew worse with every dose I administered. He was rapidly approaching the verge of death, when a little negro girl belonging to Mr. Harall was taken ill, and she also was put under my care. I saw in a few hours that her malady was taking the same fatal course which had so alarmed me in the case of her young master. In this extremity I insisted that Dr. Gray should be called in. He came, and after examination said the treatment was his own, and continued to follow it. In three days the girl died, and the boy was scarcely alive. This was frightful, and I resolved to take a bold step. In the meanwhile still another boy had been stricken down, and my first prescription had been equally unfortunate. I felt certain that the whole theory of depletion was wrong, and that all the symptoms of the disease indicated a tonic treatment. It was necessary to act quickly, so I went to the father and said, "Mr. Harall, I have killed your little negro, and if you hope to save your boys, you had better dismiss both Dr. Gray and me at once." He was astonished, and asked if he should send for Dr. Holland. I told him all the practice was the same, and his only safety was in dismissing all who followed it, and striking out on a new plan. I

promised to come back as a friend and try the new treatment. We abandoned all purgatives except in alterative doses, and gave Peruvian bark and whiskey freely. This plan was suggested by the fact that all the victims of that disease craved stimulants. Both boys recovered. Soon after that time I removed to Fayette Court House, in Fayette County, Alabama. There I found the same epidemic of pneumonia, and was able to test the merit of the new system. Out of forty-nine cases, I had the good fortune not to lose one.

When I returned from Mississippi, I found little change in the population of Russellville, except that some of the youngsters, like myself, had grown into the cares and business of manhood. We were of the same generation, had enjoyed about the same opportunities, and had been formed by the same influences. Their fathers and mine had felled the first forests and opened the first fields. They owned few negroes, and it was the industry of the white man which enriched the country with abundant harvests of corn and cotton. The woods abounded with fine natural grasses, and great herds of cattle were fattened in them. There was also abundance of game; and as every boy owned and could use a shot-gun, we never lacked the best and most wholesome food.

Russellville was in a beautiful valley, and the lands were so fertile that immigration was invited,

and the growth of population unusually rapid. Government soon offered these lands at public auction, and the average price per acre was about one hundred and twenty dollars. The speculator showed no mercy to the actual occupants. One third cash, and the residue in one and two years. These prices were so ruinous that Congress finally interfered. A law was passed remitting the second and third payments, and allowing the cash paid at first to be applied in full payment of the debt at a low rate fixed by law. In this way homes were secured to the people at reasonable rates.

There is a great valley extending from Huntsville west along the Tennessee River to the mouth of the Big Bear Creek, at its junction with the Tennessee. This whole valley seems to have been at one time a river bed, six or seven miles broad. On its south boundary there is a high, and, in some places, a rocky bank. From this bank to Russell's Valley there runs a plateau of poor lands, of so little value as to be scarcely populated. The valley on the Tennessee River is unsurpassed for beauty, being like the "garden of the Lord, well watered and fertile." Such favored spots of the earth are generally occupied by a superior population. From every old country there issues a band of its best and bravest, to seek for themselves new homes and a broader field of enterprise. Almost always it is the young men of largest brain and most active energies who push out and secure for

themselves the desirable portions of new countries. These adventurous spirits came in numbers from Virginia and Kentucky, and bought up the rich lands in the valley. Most of them were men of family and education, and many of them had what was then considered a great fortune. The settlers of Russell's Valley were of the same order of men, but had in proportion a smaller amount of property. It was soon understood that no part of the South could boast of better intellect or higher civilization than this section. Such men as Kelly, Clay, Hopkins, the Martins, Cooper, Waldrige, and others would of themselves have given reputation to any country. They were giants in the land, and to see and hear them expanded my soul, and filled it with aspiration and ambition.

The first trial I ever heard in a court-house was held in Russellville during the summer of 1828. Though I have taken part in so many since that time, they have not effaced the smallest detail of this suit, which still remains like a vivid picture in my mind. It was a suit to recover damages for libel, brought by Smith against Donaldson. The parties resided near Florence, in Lauderdale County, Ala. Smith was the son-in-law of James Jackson, a wealthy planter, who belonged to a family of considerable pretension. The charge was perjury. Family pride was outraged, and Jackson would willingly have poured out blood like water to wash out the insult. Smith, however, was a member

of the Methodist Church, and professed a desire to use only lawful remedies. Donaldson, on the other hand, was of the General Andrew Jackson stock, and was ready at any moment to vindicate, at his own peril, his family honor. He also was a planter, and possessed a large property. Damages were laid at one hundred thousand dollars. So numerous were the social, religious, and family ties of each party to the suit that the whole county was wrought up to the wildest excitement, and by common consent the venue was changed to Russellville. Smith had employed as counsel Hopkins and Clay of Huntsville; and Donaldson's lawyers were Kelly, of Huntsville, and William Martin, of Florence. The change of venue induced Smith to employ Wooldridge, of Tuscumbia, and Donaldson employed my brother, James Davis, of Russellville. There were more than a hundred witnesses on each side. The case was called, and the defence plead not guilty and justifiable. These pleas were antagonistic. With the plea of not guilty, the burden of proof remained with the plaintiff. The opening and concluding argument was with him. The charge of perjury had been openly made. Being made, the plaintiff would stop, and thus force the defendant to proceed with his justification. There was too much ability with the attorneys for the defence not to perceive this blunder, and they exerted their utmost skill to relieve their client from the consequences. A motion to with-

draw the plea of not guilty was made, and, after hot discussion, was allowed. This was a triumph, and the friends of the defendant shouted. Donaldson opened with his testimony. He had the burden of proving the perjury. His witnesses were bold, and I think honest, because they never faltered or became confused.

When the testimony for the defence closed, the plaintiff brought forward numerous witnesses to assail the character and veracity of the witnesses for defence. The attack was feeble, and particularly injudicious when it assailed the testimony of a young lady, a Miss Outlaw, who stood high in the estimation of her neighbors. To attack a woman was in that community always a dangerous experiment, and woe to him who made such a venture and failed to sustain himself. When the testimony for the plaintiff was ended, Mr. Outlaw was put upon the stand to support his daughter. He was an old man, of stately presence, and a fine, benevolent face. The other side objected to his being allowed to appear, and this objection was sustained by the court. Mr. Outlaw rose, and looking sternly at the judge, said, "Sir, does this court deny me the right to vindicate my child? Does a woman plead for justice before this bar, and meet only tyranny and oppression? God forbid!" The crowd broke into a perfect storm of sympathy and indignation. Yells, curses, even tears attested the fervor of their emotions. The court saw its dan-

ger, and hastily recalled Mr. Outlaw to the stand. Impressive as was his testimony, it was not needed. The work was already done.

William Martin made the opening speech. Ah, but it was grand! It was the first jury speech I had ever heard, and my very soul was set on fire. I could understand what St. Paul meant when he said, "Whether in the body or out of it, I know not." I look back now with envy at my own sensations. To be young, to reverence, to be thrilled with awe and admiration, what does life hold that is comparable to that?

Clay followed for the plaintiff. It was Greek meeting Greek. Wooldridge and Davis bore themselves nobly, but the last great effort was reserved for Hopkins and Kelly. They were grand. Kelly had the conclusion, and exhausted his wonderful powers of reason and oratory. On one point he was merciless. Smith had declared that if damages were awarded him, he would endow the church with the whole sum, and this laid him open to a terrible attack. It was withering. It was evening when the argument closed, and the jury retired. I had gone back to my office, which was near the court-house, when I heard a great commotion, crowds thronging the street, and many voices shouting and exulting. The friends of Donaldson were rejoicing over a verdict in his favor. Smith was a disgraced man after that. A few moments after the verdict was rendered,

Kelly and Martin came to my office, a servant following with various jugs and bottles. They requested me to go to my brother's and spend the night, as they wanted to use my office, and boys were better elsewhere. I afterwards heard that it was a night long to be remembered by the jovial crowd assembled there. Both Martin and Kelly excelled in song and anecdote, and on this occasion they surpassed themselves.

Many years after this, I took part in a case so similar that I am tempted to give it in this place. It was in the little town of Fulton, Itawamba County, Miss., that these events took place, in the year 1859. A Mr. Headen had come there a short time before with his widowed sister-in-law, and they had purchased a small hotel from Mr. Reuben Wiggle. Mr. Wiggle was an honest man, and both he and his wife were beloved and respected by the whole community. Their tavern had been a popular one, and they had many patrons. Wiggle owned another building in the village suitable for his purpose, and he opened a public house there. His old friends followed him with their custom, and Headen began to fear that his own house would be a failure.

At midnight, one dark night, some one chancing to pass the house occupied by Wiggle discovered a fire kindled against the side of it, and gave the alarm in time to save the building. Everything pointed to the certainty that some incendiary had

been at work. The whole population assembled next day at a called meeting for investigation. All the evidence was damaging to Headen and his sister, and they were invited to leave the country instantly, or abide prosecution. They wisely concluded that discretion was the better part of valor in that case, and departed, not standing upon the order of their going. They went to Kentucky, and lost no time in bringing suit against every responsible man who took part in the investigation convention. Judge Sale, Judge Houston, and Colonel Dowd, of Aberdeen, and General W. S. Featherston, of Holly Springs, were employed to bring the suit. The defence employed Hon. James T. Harrison, of Columbus, and Judge Hugh R. Miller, of Pontotoc. A stronger array of legal ability could not have been gathered in the State.

Sale was profound in conception, powerful in argument, and copious in diction. Houston was weighty and learned, penetrating in his investigation, and fully armed by careful preparation and stubborn resolution. Dowd, more versatile than his great compeers, had perhaps more quickness of resource and brighter repartee. Featherston had a large head, and great skill in method and arrangement. For James T. Harrison, what can I say? He was my ideal of a man and a lawyer. Intimately associated with him for many years, my love and admiration never changed. He was the master of every branch of law, and a

host in himself. Miller was a good lawyer and accomplished gentleman, worthy of a place in that goodly company. It is a matter of just pride to every Mississippian that the annals of our State have been illustrated by so many men whose abilities and achievements would do honor to any country.

At the time these suits were brought, I was representing this district in Congress. The defendants had all been my friends for years. They proposed to employ me to aid in this defence, but I declined, upon the plea that other duties pre-occupied my time and demanded my whole attention. That was in December, and, for some reason, the trial was postponed until the next term. This was the following June, at which time I was at home on vacation, and business called me to Pontotoc. I found much excitement there, and the deepest interest manifested by all classes of the people. The best citizens of the town were in peril of utter ruin.

They still urged that I should take part in the defence, and I consented to act with their counsel as a tribute of friendship, though my sense of duty made it impossible to accept a fee. Harrison and Miller were fully equal to the management of any case; but such assistance as I could give would be at their service heartily. The trial was set for the next day.

That night a number of the defendants met

their lawyers in consultation. It was not a cheerful meeting. I inquired upon what grounds the defence was to be placed. The reply was, "We have none. These men are ruined." I replied that I could not believe the case so hopeless, and suggested that, instead of wasting the few precious hours that remained to us, we should retire to our own rooms, and study some plan of action. The case was called next day, and both sides announced themselves ready. Two days were consumed in getting the case to the jury, and during that time we had elicited several facts which I hoped might be worked to our advantage. Still the prospect was gloomy, and Egyptian darkness fell upon us during the magnificent opening speech made by John B. Sale. I tried to rouse Harrison even by taunts and reproaches, but so deep was his despondency that his great powers were for the moment paralyzed. After speaking about fifteen minutes, he broke down completely and took his seat. The case was so evidently lost that the defendants sent a confidential friend at a gallop to Fulton, with instructions to remove all personal property into Alabama without delay. Dowd followed Harrison, and made a grand speech. He was positively exultant in word and manner, and never made a more splendid effort.

It was my place to follow Dowd, and I bided my time with great anxiety of mind, but stubbornly bent upon desperately pursuing the one chance

open to us. I thought I could see our way even yet to a brilliant victory, feeling sure of our jury if we could get a certain hold upon them; but my great trouble was that Houston would reply to me. I knew his power, and could estimate the tremendous force of his attack. I began by asserting that the investigating convention could not be called an unlawful assembly; that the Constitution authorized such assemblies for the redress of grievances, for the protection of citizens from perils too imminent to await the slow process of the law; that these people had such grievance, an incendiary in their midst, putting in deadliest and most ghastly peril the life and property of every citizen. At this point I could see in the eyes of the jurymen a kindling flash, showing that I had struck the right chord. My enthusiasm increased, and I went on to portray as vividly as I could the fearful scenes of midnight conflagration by which these people had been threatened — men aroused from peaceful slumbers to see their wives and children fleeing half naked from the flames. When I closed, the excited emotion of both jury and audience assured me that my friends were safe. Houston rose to the occasion, and made one of the most powerful speeches of his life, but it was in vain. The imaginations of the crowd had been set on fire, and no power could change their verdict. Miller followed the line of argument I had marked out, and impressed it forcibly.

Court adjourned until next day. The defendants and their friends met me at the door, and seized upon me, saying, "We are safe now. Come on and taste our mint-julep; we have got five gallons mixed already." What followed need not be recorded; but we were all ready when court opened the next morning.

Judge S. J. Gholson, of Aberdeen, charged the jury. He was just and liberal in his charge — dwelt strongly on the constitutional right to assemble for redress of grievance, and intimated that there was confession of guilt in the election of Headen to leave the country. The jury retired just at night, and next morning I heard Harrison calling to me, "Clear verdict for defendants; come and drink to the jury." The defendants, lawyers, jurymen, and friends assembled; and if that was not a festive day, Pontotoc never saw one.

CHAPTER VI.

I HAVE wandered away from my brief experience as a doctor, and must return to close that chapter. As I have stated, I removed about this time to Fayette Court House, but I must not leave Russellville without mention of some friends who won my gratitude there. William Cooper was a leading lawyer at that time, a man of high character and most agreeable manners. He treated me with great kindness, and our friendship remained unbroken until his death, which took place several years ago in Tuscumbia, Ala. I have still in my possession a copy of Shakespeare which he gave me as a parting gift when I left Russellville, and which at that time formed a large as well as valued portion of my library.

There was also Peter Martin, himself a lawyer of high repute. He was small in stature, but had a fine mind and great force of logic. Although of an irascible temper, he always treated me with extreme politeness, and showed the kindest feeling for me. I remember one amusing incident of my professional intercourse with him. He owned a favorite servant, so old that she had become entirely toothless. This old woman gave a great

yawn one day, and dislocated her under jaw. Martin brought her to my office for treatment. He asked me to show him a book on the subject. The author cautioned against the danger of being badly bitten by the sudden closing of the patient's jaw. Martin was anxious to play surgeon, and asked me to explain how he could best avoid the danger, forgetting that the old lady had not a tooth left to cause any. He made one or two attempts, but failed from nervousness. When I afterwards tried with better luck, he was loud in my praises, and never omitted an opportunity of sounding my trumpet as loudly as possible. He removed, some years later, to Tuscaloosa, and died there. Memory calls up other individuals connected with that period, but space forbids me to dwell upon them.

I went to Fayette in company with two young men who were early friends of mine, B. W. Wilson and William Simonton. The most intimate relations had existed between Wilson and myself since the day on which we went to our first school together. Everything I recall of him shows what a noble nature and good disposition he manifested. Although he and I were totally unlike in character, there was always perfect harmony in our intercourse, and when he died, at a very advanced age, our friendship had never been broken for an hour. His father was a man of comfortable fortune, and had sent him to college in Knoxville,

Tennessee. He married in Tuscaloosa, and spent a happy and prosperous life as a lawyer at Fayette Court House.

Simonton removed shortly to Tuscaloosa, and became one of the largest merchants there. In the flush times of 1837 and 1838, he failed for a large sum. He then removed to Texas, where he died many years ago.

We reached Fayette on the 24th of December, and began our experience there on Christmas Day. The village streets were thronged, many of the country people having come in to celebrate the holiday. I became acquainted with many of them. In a short time I had the good fortune to receive my full share of the practice both in town and country. But the country was healthy, and while my practice extended for miles, my income continued to be very small.

There was a young lawyer named Glover who had come from Tuscaloosa to settle at Fayette. In the month of June, Glover invited me to go with him on a visit to his uncle, Mr. Joshua Halbert, who lived about sixteen miles from Fayette. This family had recently come there from Tuscaloosa, and were known as refined and elegant people. It was on a bright Sunday morning that Glover and I started on our pleasant little journey, and I went on with a light heart, without dreaming how eventful the visit was to be for me. The family were off at church when we arrived, and we were

standing at the gate to receive them when they drove up. There was a bevy of some eight or ten young ladies, Miss Mary Halbert being the central figure, and all engaged in lively conversation. I asked Glover who the girl was who wore the white frock and big Leghorn hat with roses on it, and he told me it was his eldest cousin. Miss Halbert was about sixteen then, and I thought her the most beautiful and fascinating girl I had ever seen. In short, before I had fairly entered the house I had determined that there was my future wife, if I could win her. She told me afterwards that she confessed to her mother that same day that if I ever asked her she would marry me. After such a beginning, affairs went on smoothly, and that same autumn we were married. I look back now and wonder that we dared to begin life on such an income as I could hope for then. I cannot say that we were comfortable — we were too poor for that, but we were as happy as the birds, and had almost as little care for the future.

During the next year I continued my practice, having plenty of patients, but getting little money. All this while the strong inclination I had always felt for the profession of law still held me, and grew to be an absorbing passion. I felt that I could never be content until I had at least tried what I was capable of, and, in spite of obstacles, resolved to begin the study without delay. I read Blackstone and Chitty, and such other books as I

could get. I tried to avoid the mistakes I had made in reading medicine, and was very much in earnest to learn thoroughly everything I studied. It seemed to me that there was nothing in law, or any other science, that could not be mastered by patient study of its leading principles. I saw that law is the science of human obligations to the pursuits of men; that the first great principle related to *meum* and *tuum* — my right, your right, as established and defined by law; that these rights were dependent upon the facts of the transaction, and that all else consisted of formulas of proceeding, to determine the powers of facts. I began by the study of business, then took up the rights of *meum* and *tuum* as established by law, and lastly the formulas, wherein consist the obscurity and difficulty of the law. It soon became apparent to me that the first requisite of a great practical lawyer was a certain ability to grasp and handle facts. To understand the systems of the law requires only memory, but to methodize and place facts in their proper supporting relations demands the higher faculties of the mind, and may be called genius.

Having obtained from Judge Lipscomb a license to practise law, I determined to remove to Monroe County in Mississippi.

After paying my debts, I left Fayette in January, 1832, with three dollars in my pocket, and no immediate prospect of adding to my store. We

went first to Russellville, where I had a small patrimony, my father having died some twelve months before. This, however, was not available at that time, and as my brothers could advance only a small sum upon it, it was advised that I should leave my wife at her father's house until I could prepare a home for her in Mississippi. She was cheerful and resolute, and positively refused to be left behind. She said that we had married with the full knowledge that we had our own way to make, and we must make it together. Wherever I went she would go, even if she had to walk, and she expressed the most perfect confidence that a bright future awaited us, if we only showed courage enough to be happy in the midst of the privations and hardships of our youth. In short, she encouraged and cheered me as only a devoted wife could do, and though we had some hard experiences, I do not remember a single moment of despondency on her part. If I were called upon to advise a young wife, beginning the world with the man of her choice, I should say, "Stand by your husband in dark days as well as bright, and if there is any manhood in him you will bring it out."

We procured a small vehicle drawn by one horse, and, not having much luggage to transport, hoped to traverse the eighty miles between Russellville and Athens in two days. Never shall I forget that journey. The weather became very cold, and

a light snow covered the ground. My wife was one of the frailest and most delicate persons I ever knew, and I suffered great anxiety lest she should be made ill by such unusual exposure. Night overtook us seven miles from our first resting-place, and the road was so broken that I was forced to walk by our horse to guard against accident. Refreshed by food and sleep, we set out courageously next morning, in spite of a fierce north wind which seemed to chill to our very bones. Once our small vehicle capsized in the snow, and I was unable to right it again, until assisted by a strong man who came along opportunely. I remember well that my wife never lost her cheerful courage even then, although I was affected to tears by the sight of her delicate frame exposed to the bitter wind on that snowy roadside. She lived to bless my life for many years, and I hope her after days in some degree atoned for these early hardships, which she shared with such an unshrinking spirit.

That night we had the good fortune to arrive, without further accident, at the house of my good friend, Mr. Benjamin Lann, to whom I have already had occasion to refer. From him and from his excellent wife we received such a welcome, and such a supper was spread for us, as might well atone for the fatigues of the day. Nothing could exceed the kindness of the whole family, and I may add here that many times thereafter I en-

joyed their hospitality during our long friendship. They were my friends as long as they lived, and we often talked of the dark winter evening when such a forlorn young couple drove up to their door, and were warmed and refreshed at their fireside.

Next day, the weather continued so cold that I had to stop at every house in order to keep my wife from nearly freezing, and we got on so slowly that it was necessary to spend the night at the house of Mr. William Cocke, a Baptist minister, who was an old friend of my father. We sent our first conveyance back from there, and went on mules to Athens.

It was a joyful moment when, from the top of a little hill, we caught sight of our new home. Good fortune seemed to us to mark our first beginning there. Stopping at the tavern, I informed the host of my exact condition, and asked if he was willing to let us have board for a short time on credit, until I could make other arrangements. He replied that if I were willing to post his books and make out his accounts for him, he should consider himself paid in advance for three weeks' board. This proposition I joyfully accepted, and settled down to my life in Athens with a strong conviction that our worst difficulties were ended.

CHAPTER VII.

ATHENS was situated in what was then a very unhealthy portion of Monroe County. Chills and fever and a malignant type of bilious fever caused great mortality during the summer season. Several gentlemen who had known me when I was in Dr. Higgason's office called on me and urged that I should continue the practice of medicine. As an inducement, they offered me one thousand dollars a year to attend their families, and promised their influence to extend my practice. Destitute as I was, and with a delicate young wife dependent upon my doubtful success in a new profession, this was a great temptation. But it was strongly impressed upon my mind that if I faltered now I should never be able to realize the dream of my life, and I stood firm in my determination to devote myself to the law. As if to uphold my desperate resolution, I was employed next day to attend to a case before Justices Owen and Vernon, at a fee of twenty-five dollars. I defended the suit with success, and felt that now indeed my life was beginning. My client, Mr. Lynes, was a saddler, and he had in his yard a small house, built of plank and roughly floored. I proposed to Lynes

that I would take this building in lieu of the twenty-five dollars, and remove it to a small lot I owned in Athens. • He consented, and I took down the lumber, carrying it to my place and putting it up there with my own hands. At the end of three weeks I had our tiny dwelling completed, and we took possession and began our modest housekeeping with great contentment. I look back with retrospective tenderness to the happy days spent in that first home. Small and humble as it was, it filled the measure of our simple needs at that time, and we were young, and had such boundless hope in the future.

My wife owned a negro girl, whom it had been necessary for us to leave in Fayette. I went to Mr. Daniel Ragsdale, who had money to lend, and proposed to borrow enough to enable me to go back and get this girl, telling him he would have to take the chances for my being able to pay it back. He consented, but said, as it was rather a gambling transaction, he would have to take my note at five per cent. a month. I accepted these terms, but soon after my return from Alabama was fortunate enough to receive a fee which enabled me to pay him much more promptly than he expected. This fee of one hundred and fifty dollars was paid me by a gentleman for defending his daughter against the charge of infanticide, and very lucky I felt to get it. I must say at this point that I was much indebted to the active

friendship of General Stephen Cocke and Lucian B. Moore, who took the most lively interest in my success, and added very much to it by their influence and commendations.

I attended my first circuit court the following April. Suits were tried at the first term, and I was employed to defend a note, the defence being failure of consideration. Books were scarce, and I felt this disadvantage keenly, although I endeavored to make up for it by zeal and industry.

A Mr. John Hardy wanted to sue Mr. Foster for removing a set of house logs, which he had cut upon a piece of public land which Hardy had entered before the logs were removed. He consulted two or three resident lawyers, who thought the suit could not be maintained. Davis and Cooper, of Tuscumbia, upon being consulted, gave the same opinion. Hardy then came to me, and I advised the suit. My fee was to be half the damages, and if I failed Hardy was to pay costs.

Both these cases were tried at that court, and I had the good fortune to gain them both. At the end of the term I found my affairs beginning to be more prosperous, and felt that I had acquired some little reputation in the county. To add to this hope, I received a visit from Mr. Ambrose Rose, a nephew of James Madison, who commended my efforts as creditable to a beginner, and assured me of success in my profession if I used diligence and prudence.

June came, that year, with an atmosphere perfectly laden with malaria, and disease seemed to rain down from the heavens. The first cases were of a very malignant character, and most of them died, as I may say, under the lancet, which was used freely. Dr. Higgason had his hands full early in the season. In conversation with me, he took pains to explain the character of the disease elaborately, and we talked about the treatment. I told him that I believed it to be congestive fever, and gave it as my opinion that the old practice of drastic purgation and exhaustive bleeding must be abandoned. Whether or not he would have tried a change of treatment I do not know, because he had habits which at intervals unfitted him for practice, and, unfortunately, such an interval of two months' duration occurred at this most critical juncture. There was only one other physician in the place, and he was already overworked. In this emergency, I had no choice but to respond to the appeals of my friends, and put such small medical knowledge as I had at their service during the sickly season. I tried the tonic treatment, and had the satisfaction of seeing most of my patients recover. It was late in the fall before I got out of harness again. I had refused from the first to make any charge for my visits, as I was not regularly in practice, but I am sure that my hard work that summer was no loss to me, even in a pecuniary point of view. My

friends considered that I had done my best for them in a time of trouble, and they always stood by me.

The fall courts opened prosperously for me. I received my full proportion of legal business, and my success was assured. By this time I was able to give up the little shanty in which I had set up housekeeping, and remove into more comfortable quarters. The ensuing year my business increased so much that I was able to live in comfort, and still have a handsome surplus. I also made some land trades, from which I realized fifty-five hundred dollars, and I then felt that my little canoe was fairly afloat, and that I need have no fears of our future maintenance.

In the spring of the succeeding year, 1835, a new judicial district was formed, composed of seven counties included in the land purchased from the Choctaw Indians, with Lowndes and Monroe added. The election for district attorney was appointed for the first Monday in March. Samuel J. Gholson, Sandy Young, of Columbus, a nephew of D. W. Wright, and myself were the candidates. The Hon. James F. Trotter and William Bibb were candidates for circuit judge. We had a canvass of about six weeks. None of the candidates were able to visit all the counties. The race was generally thought to be between Gholson and Young. My extreme youth and utter want of fortune when I came to the State were

proclaimed all over the district. Of this I took no notice, assuming that my immediate qualifications for the office were what most concerned the people.

When the election was held, I received within five votes of the combined vote of Gholson and Young. In Monroe County I received four hundred out of the four hundred and sixty votes cast. My election to this office was of course a great triumph personally, as well as an important step in taking some position in the district. I realized the fact that, without arduous labor, I could not meet the expectations of the friends whose active exertions had brought about my success. Before this period I had given little thought or study to criminal law, and it was now necessary to devote myself chiefly to that branch of the profession.

I procured Archibald's Criminal Law, and such other books as I needed, and shut myself up in my own house for the summer. I even committed to memory large portions of these works. The courts began in the fall. I had been told that the friends of the defeated candidates — I do not call them my *enemies*, because at that time I had no enemies — were saying that while I held the office of district attorney there would be a general jail-delivery of criminals. I therefore prepared my bills for the grand jury with the most painstaking care and accuracy. Motions to quash and demurrers poured in, but, after prolonged

argument, the court sustained my bills. My friends were jubilant, and boasted that I showed knowledge of the law as well as ability to handle it. With this came a rapid increase of civil practice. At the spring term of the circuit court of Monroe County I brought four hundred and eighty suits. At the end of four years I had put by a surplus of twenty thousand dollars, and had more business offered me than I could possibly attend to. This rapid success had one disastrous effect upon my subsequent life. Naturally indifferent to money, I became, so soon as the pressure of actual poverty was withdrawn, careless and extravagant. Having no children to carry my thoughts and cares beyond the present, I began to regard money as too easily made to be worth the trouble of saving. Few men realize from a profession much, if any, surplus income before twenty-eight or thirty years of age. From that time to about forty-five or fifty constitutes the active and successful period of labor, and a man's accumulations are generally made during those years. After that period a man's mind is more matured, his information more extensive, and his powers more concentrated, but he lacks the dash, the individuality, the passion and fire, of earlier life. My experience has taught me that most men's lives would be very different if they could realize in youth the changes that advancing years must surely bring. Old age may be honorable, but it is very lonely, and the world

becomes a desert when one treads it alone. A man's friends are the men of his own generation, and from them alone can he expect the warm sympathy and affection that make life rich and happy. Man commits many blunders because his future is full of things unknowable. Very possibly this individual loss is a gain to the world in general. Take from youth its enthusiasm, its generosity, its boundless confidence, and what would remain? How poor life would become in the selfishness of its premature old age, and what a sordid scramble it would get to be for the mere material acquisitions that might be made! At the time of which I write, however, no thought of the future, or the changes it might bring, ever troubled me. If it occurred to me at all, it was only that "to-morrow should be as this day and more abundant." Life was a cup filled to the brim, and I drank deeply of its sparkling, intoxicating draught.

CHAPTER VIII.

At the end of twelve months my judicial district was changed. By act of legislature, Monroe was detached, and added to a new district formed of the counties organized in the Chickasaw purchase. Rather than leave Monroe, I resigned my office. A number of interesting cases had occurred during my short term, one of which belongs so entirely to a state of society now passed away that I relate it here.

Pushmattahaw, a Choctaw chief, had killed one of his subjects. In doing this, he acted under his tribal authority, and was so far justifiable. But under our law, which had been extended over all the territory conveyed by the Indians to the general government, the execution became murder. Pushmattahaw exercised great control and influence over his tribe.

He had in some way incurred the hatred of the land companies organized to purchase reservations. It was important to them that he should be got out of the way, and to this end they employed a number of able attorneys to aid me in the prosecution. To avoid censure, it was determined that there should be only one speaker.

The grand jury of Kemper County reported a bill of indictment, and all the requisite preliminaries were performed by me, preparatory to an early trial. I was notified that Mr. Samuel J. Gholson would aid me in the argument of the case before the jury.

The defence had secured the services of some of the ablest lawyers in the State, from Vicksburg and Jackson. A day for trial had been appointed, and witnesses summoned. I had, soon after my arrival in De Kalb, the county-seat of Kemper, been introduced to a young Virginian, who had lately come there to practice law, and who made from the first a marked impression on me. This was Joseph G. Baldwin, afterwards so widely known both as a lawyer and a literary man. Two days before the trial he came to me, and requested to be allowed to take part in the argument, as it might lead to future success if he appeared in a case of so much interest. This I consented to do, and carried my point against great opposition from my colleagues. The testimony was soon ended. All the facts were against the defendant, and the *corpus delicti* was clearly shown. It was necessary to put the defence entirely upon tribal authority.

The argument was opened for the State by Gholson in a characteristic speech. When Mr. Joe Baldwin arose, he was at first listened to with such slight curiosity and general indifference as might

be expected for a very young man, entirely unknown to his audience. In a few moments this was changed to absorbing interest and attention. His speech was marked by the clearest and most convincing logic, rising at times into vivid oratory. It was evident that this modest young man, though yet to fortune and to fame unknown, was destined to take no obscure place in his day and generation.

Other arguments were made, and the case was submitted to the jury. After short deliberation a verdict of guilty was rendered. The defendant was informed of the result, and that he would be hung. He was shocked at the mode of death, and made pathetic appeals against such an indignity, claiming his right to die like a warrior. The court had no power to interfere, and sentence was pronounced according to the prescribed forms of our law. When this was done, Pushmattahaw rose to his full height, and gave vent to a wild war-whoop, so full of rage and despair that it was terrible to hear. As there were many Indians present, there was for a time danger of attempted rescue.

Application for pardon was made to the governor, and the chief had strong hope that it would be granted. A few days before that appointed for the execution, he was informed that the governor had refused the pardon, and that he must die what he considered the death of a dog. This communication was made to the unhappy chief in cold-blooded and inhuman malice, and the result came

near proving fatal. Pushmattahaw broke a bottle which chanced to be in his cell, and with a piece of the glass severed an artery in his left arm. He would have died in a short time from loss of blood, if the sheriff had not made an accidental visit to his prisoner. A pardon was granted and sent to the sheriff by an express, in time to save the life of the Choctaw chief.

If I could have controlled this matter, this chief should never have been prosecuted, nor so much as indicted. His dominion as a chief was not at an end. His tribal laws were still in force, and his sovereign power unquestioned by the wild people who willingly submitted to his rule. The treaty between the government of the United States and the Choctaw nation was in reference to exchange of territory. The political status of neither was involved, nor did the chiefs of the nation pretend to give up their jurisdiction. Their peculiar system of government, however obnoxious to our ideas of justice, was regarded with reverence by the lawless people of their tribes. Several tribes had gone west to take possession of their new homes, and Pushmattahaw was preparing to follow. After conviction, I signed a recommendation to the governor for pardon, and was rejoiced when I heard that the chief was restored to his people.

Before I left De Kalb, I had the pleasure of another interview with Mr. Joe Baldwin. I took the liberty of speaking of his future plans. After

congratulating him upon the great success of his first appearance at our bar, and telling him I felt sure that a brilliant career awaited him, I urged him not to remain longer in such a place as De Kalb. His genius demanded a rich and growing country for his field of action, and the influences to which he was at that time subject would be most prejudicial, if not fatal, to him. He was evidently gratified by the interest which he had, without any effort, inspired, and said he would take my advice. In a short time he removed to Sumter County, Ala., and there formed a partnership with Colonel Bliss—the *Blass* of one of Baldwin's inimitable character sketches. There he soon became prominent in his profession, and also as the author of "Flush Times of Alabama," a book replete with the richest anecdote and unsurpassed humor. In conversation he was the most entertaining man I ever knew, and his personal fascination made him the delight of every crowd he entered.

After the acquisition of California, he went to that land of golden promise, and was soon afterwards placed upon the bench of the Supreme Court of that State. While still in the meridian of his wonderful powers, he died suddenly from lockjaw, induced by some slight surgical operation. I never saw him after the day we parted in that dingy little office in De Kalb, so many years ago.

I suppose few things could have appeared more

unlikely to either of us than that we should one day be connected by marriage, but so it happened. Thirty years had passed, and he was in his grave, when I became connected with his people through my marriage with his niece, and the children of my old age share the blood that flowed in his veins.

So strangely do lives touch each other in this tangled skein that we call Life.

CHAPTER IX.

MR. JAMES BELL, then a member of the legislature, and a friend of mine, wrote to me a most urgent letter, insisting that I should announce myself a candidate for circuit judge. My first impulse was to refuse as a matter of personal preference, for I was well aware that the more stirring life of active practice suited my temperament and habits better than the repose of judicial dignity. Before announcing my decision, I determined to ride over from Athens to Aberdeen, to consult some of my friends there. I went to an office, where I met Stephen Adams, a lawyer, who was associated in the practice with me. Without preface, I told him I was a candidate, wishing to draw out his feeling on the subject. As I spoke, I observed that his face flushed violently, though he made no remark. I felt sure in a moment that he wanted to make the race himself, and immediately told him that I was not committed in any way, and would withdraw in his favor. He said at first that I was mistaken in supposing him an aspirant, at which I only shook my head, because he knew, and I knew, that I was by nature and habit a reader of faces, and few men could deceive me. He invited me to

dine with him, and, on our way to his house, said to me, "If you are in earnest about that matter, and don't mind giving way, I *would* like to make that race." I assured him of my sincerity, and told him I would run for district attorney, having resigned that office in the district below. Going home that night, I prepared for the hardest canvass in which I ever took part.

Mr. Thomas J. Word, of Pontotoc, soon announced himself as my competitor. The district was composed of six counties, — Chickasaw, Pontotoc, Tippah, Tishemingo, Itawamba, and Monroe. Word had the advantage of extensive acquaintance in the five new counties. He resided in Pontotoc, and all the settlers in the five counties had purchased their lands at that place. He was a remarkably fine-looking man, and his manner was polished and agreeable. Added to this, he had a fine, humorous way of telling anecdotes, and could play well upon the violin.

He was a good lawyer and a most agreeable stump-speaker. If I also add that he was a courteous and honorable gentleman, I do him no more than justice.

Many of my friends thought that the extensive acquaintance and many popular accomplishments of Mr. Word made him too formidable to encounter with any hope of success, and seriously advised me to withdraw. This, however, I was unwilling to do, being, perhaps, largely influenced by an intense

delight in playing such a game for its own sake. The excitement of the race was all the more thrilling when the result was more than doubtful, and I suppose that most young candidates have felt as the old gambler did when he said that "next to playing and winning, he enjoyed playing and losing."

My first encounter with Word was at Ripley. On my way there, I stopped in Pontotoc, where I met Colonel William L. Duncan. When quite a young man, he had stayed at my father's house in Russell's Valley, and had known me as a small boy. With my elder brothers he had long maintained an intimate friendship, although he had removed to Hardeman County, Tenn., while they were all young men. He was a man of great integrity and loyalty, and had a heart as large as his head. As soon as he discovered who I was, he made himself known to me, and told me that numbers of his Tennessee friends had settled in Tippah County, and he had no doubt of being able to control their votes. His relations with Word were friendly, and he did not wish to be offensive to him in any way, but would throw his whole weight for me in Tippah. He instructed me to stop at the house of Mr. Miller in Ripley, and to tell him that he, Duncan, was actively for me, and would be there to see him in a few days.

I went on next day in company with Adams and Word, and on arriving at Ripley I went to Miller's,

while the others stopped at a different hotel. This was in the month of June. The evening was extremely warm, and I went out with Miller, and sat on the shady pavement in front of his house. As he did not know either my name or business, I thought I might get some information as to public opinion about the candidates. With this view I referred to the public speaking to take place on the morrow, and he asked me the names of the contestants. When I mentioned the name of Davis, he said, "Davis may save himself the trouble of coming; he won't get five votes in the county." I asked him what great public service Word had performed to make his election so certain. "Well," he said, "no public service, but he is a good fellow, tells a capital story, and plays the fiddle. Besides, he knows everybody, and has many relations, and who knows anything about Davis?" At that moment I jumped up, and said, "My name is Davis," and made some very emphatic declarations about getting more than five votes. The moment the words passed my lips, something in the old gentleman's face recalled what I had previously forgotten, that Duncan had told me he was a minister. I immediately begged his pardon, told him I was not in the habit of so forgetting myself, and said I was the more to blame because I was the son of a godly Baptist preacher, and my wife a most devoted Methodist. I did not know to which church he belonged, but felt sure it was either Baptist or

Methodist. He at once became friendly, and told me he was a minister of the Methodist church. After some further talk, I gave him Colonel Duncan's message, and he said that with that influence my prospect would be good, and that he would himself do all he could for me. The next morning there was a large crowd at his tavern, most of them members of his church. He introduced me to them, dwelling upon the fact that I had married an enthusiastic Methodist. To others he said that Colonel Duncan supported me warmly. A stand had been erected in a grove near by, and there was a considerable crowd around it when the addresses began.

One of the most remarkable characteristics of the Southern people before the war was their universal enjoyment of public speaking and their intense appreciation of good popular oratory. In consequence of this, the art of fluent speaking was largely cultivated, and a man could hope for little success in public life unless he possessed this faculty in some degree. Another consequence was that there was never a people better educated on political questions than the Southerners of that day.

After a short address from Adams, Mr. Word took the stand. It was a matter of courtesy for him to lead off, as he had the double advantage of being an experienced stumper, and of addressing, as it were, his own people. He made a beautiful

speech, delightful to hear, and full of anecdote, mimicry, and humor. The crowd shrieked with laughter and applause. Perhaps they laughed too much. Men do not always follow the jester whom they applaud.

I had prepared my speech so carefully that I may say it was almost committed to memory. Throughout the whole I was grave and serious, tacitly assuming that we had come to discuss important interests in a dignified spirit befitting the occasion. When I closed, I felt satisfied that I had gotten through well, and that the impression made was favorable. As I sat down, an aged gentleman, named Childers, stood up, and requested me to say whether I was not the son of a Baptist minister, named John Davis, who had once lived near Winchester, Tenn. I answered that I was. He then said he had known my father well, had stayed at his house and preached from the same pulpit, and that a better or more honorable man never lived. He added that he and his sons and sons-in-law would all go for me, and the members of his church, so far as he had influence. It seemed that I was to learn on that occasion how large a part family friendship can play in such cases. Mr. Solomon Wagoner came to me, and asked if I had a sister named Mrs. May. I had, and he at once began to shake me by both hands, saying that I came of a good stock, and that he and his family were with me, heart and hand. As the crowd began to dis-

perse, Word invited his friends to go with him to a saloon and drink. About half the men present followed him. I then said, "This is a warm day, and we have given you the trouble of coming out in the sun. I shall be glad if you will all go with me to the saloon of Mr. Watson, and take some wine or porter, or whatever drink you prefer." We all went. That drink cost me a fifty-dollar bill, but Watson worked for me manfully until the election. In the end, I carried that box by twenty-five majority, and the district by four hundred and eighty. My game was won, and I had learned much in the playing of it. I found out that it is a man's personal and family friends who stand by him at such times, and also that if he has made any enemies he may look out for stabs where it will hurt him most. Another lesson I learned which might be wholesome, but was not pleasant. I discovered that it was prudent to expect least from those most indebted for past favors. To be under any special weight of obligation generally alienates a friend, and he is too apt to protect himself against expectation of return by throwing off his friendship and gratitude together. It is so much easier to quarrel with and denounce a former friend than to confess yourself disloyal to him. In this contest, very many upon whom I had no claim warmly supported me; many more who had been and continued always my friends spent themselves with generous fervor in my cause; but there

were some who owed me cordial support who failed to give it. Adams even voted against me. The result of this campaign was so gratifying to my feelings, both of friendship and ambition, that I could well meet some small disappointments with indifference.

CHAPTER X.

IN looking back now, I see clearly, what I did not then understand, that at this point I distinctly left my more boyish life and self behind me, and began the deeper experiences of manhood. Doubtless I should have felt all a lad's hot indignation and injury if any one had hinted that I was crude, unformed, and undeveloped in all respects, but so it was. I was in my twenty-sixth year, — it seemed a vast age to me then, — and had been married seven years. I had been immersed in all the responsibilities and active affairs of life, but in mind and sentiments and sensibilities I had been still a boy. In the midst of my early struggles, in spite of many hours of anxiety and almost despair, I had been too inexperienced to realize the full peril of my position. From the time of this canvass I date the more matured period of my manhood. Life began to wear new aspects, enmities had crept in to take away some of the sweetness even of success, and some of the disenchantment that awaits all mortals had begun to dim the colors of my hopes and aspirations.

It is perhaps an experience inseparable from the limitations of our lot here that the first freshness

of young joy and activity must soon pass. It is the "youth of our youth," and like the very flush of a summer morning, fades even while it broadens into noon to the cold white light of common day. A man's best work is still before him, but he no longer sees the distant hilltops purple and golden in the mists of fancy and imagination.

I settled down now into closer application to my profession than before, and enjoyed it as a man enjoys the work in which such power as he has finds full play. Although not robust in appearance—for being six feet and one inch in height I weighed only one hundred and thirty pounds—my health was good, and I possessed great powers of endurance. These blessings have continued with me up to my present advanced period of life, and I would say to the boys who are growing up now that I undoubtedly owe them to the rigid simplicity and moral and physical hardihood of my early training. It is the privilege of age to preach, and my sermon is this. Beware, O young man, of enervating softness. No matter what advantage of education and society you may possess, you lack everything if you lose the moral force and vigor which comes from a pure morality, and the bodily health and strength which can be gained only by industry and temperance.

In a short time I found that some embarrassment attended the discharge of the duties of my office. I had been warmly supported by all

classes of men, and it sometimes happened that my duty as district attorney clashed with the regard I felt for those who had earnestly promoted my success. I endeavored to observe strict impartiality of justice, and in the first round of courts no very serious complication presented itself. All of my active friends and supporters were considerate enough to keep out of the clutches of criminal law. In the next term, however, they and I were less fortunate. There were two cases to be tried, in each of which the defendant was a man for whom I had both respect and friendship. I believed that both these men were justifiable under the circumstances of the killing, and I was most unwilling to institute proceedings that would subject them to the humiliation of arrest and prosecution. The friends of the deceased in both cases demanded prosecution, and public opinion supported them. I therefore prepared both bills and had them reported to the court. In the trial of the first case, I endeavored in my argument to keep only the end of justice in view, and had the gratification of hearing both sides say there was no dissatisfaction with the manner of conducting it. This was more than I had hoped for.

In the second case it had happened that I was a witness of the whole tragedy, and had been standing near when the fatal gun was fired and the victim fell. I knew that, according to the popular code of our people, my friend was obliged to shoot.

The friends of the deceased at once began the charge that I would use my office to screen the slayer, and in this aspersion such enemies as I had made eagerly joined. As soon as court organized, I went in with five hundred dollars in my hand. I said to the court that I placed this sum subject to the order of the court, that it might be applied by the friends of the deceased in procuring counsel for prosecution. I added that I adopted this course from a sense of duty, as personal feeling and obligation would make it impossible for me to proceed further in this case than to attend to its mere preliminary formalities. The friends of the deceased professed themselves satisfied, and the trial went on. To my great joy, the defendant was acquitted.

A few days after the close of this term, another friend of mine, a gentleman of very moderate means, killed a man of great wealth in the town of Aberdeen. The sons of the deceased immediately employed Gholson to aid in the trial before the committing court. In a legal point of view the case was one of great difficulty, but the killing had been induced by vile and slanderous accusations. The defendant lacked means to employ counsel. I sympathized deeply with my unfortunate friend. Gholson came to me and suggested a conference preparatory to trial. I asked for an hour's delay, wrote out and sent off my resignation, and then went to the defendant and tendered

my services in his defence. He had been committed to jail, and remained there five months awaiting trial. After a hard fight, we came off triumphant, and my friend was once more a free man. Since that day I have defended over two hundred cases tried for murder, and never had the misfortune to have my man hung, but I do not think I ever heard the verdict for acquittal with more rapture than I felt on that occasion.

Immediately after my resignation I formed a partnership under the firm name of Davis, Cocke and Goodwin. I have already had occasion to refer to the many excellent qualities of Cocke. Goodwin was also admirable both as lawyer and gentleman. He prepared his cases with great care and was an able debater, but owing to the infirmity of asthma, he rarely attempted a speech. In all our practice the work of the court room fell to my share.

Mississippi had by this time begun to take a high place among the States of the Union. The government had at length, by treaty with the Choctaw and Chickasaw tribes of Indians, extinguished their right of possession to all lands formerly held by them in the State. This included more than half the territory of the State, and without doubt the more desirable portion of it. Within this portion was the delta of the Mississippi, with its millions of teeming acres; and the long line of rich prairie lands, lying parallel with

the Tombigbee River north and south. Also the fertile valley lands made by the creek and river beds in the ridge of high lands which divide the Mississippi and the Tombigbee. This virgin country invited immigration and capital from all parts of the older States. Millions of dollars were brought here for investment, and thousands of valuable citizens, merchants, planters, and professional men came to cast in their lot with those who were building up a great empire on the land recently rescued from savage tribes. These may be called the golden days of Mississippi. It was a time of fulness of life and activity, and boundless possibilities seemed to await the hand that was adventurous enough to seize them. Cotton was the great staple. Credit was universal, and where that system prevails, the lawyer always finds a rich harvest.

Even at this time our State could boast of some towns remarkable for beauty, with a society of noble and cultivated people. Our general population was largely made up from the best and bravest of older communities, but a slight sketch of some of the leading men who gave dignity to our older towns may not be amiss here. I write of them with pride and pleasure: with pride, because I have known them to be an honor to their own generation and a lesson to those who come after them; and with pleasure, because they are connected with a time to which I look back

with more and more fondness as the swift years bear it further from me.

Let us begin with Natchez, a beautiful old place, built upon a high bluff on the eastern bank of the mighty Mississippi. Her people were cultivated, polished, and hospitable, and possessed the wealth which adds grace and gayety to life. They lived luxuriously, in fine old Southern mansions, whose wide doors stood always open with the boundless hospitality of a wealthy, slave-holding people. In these houses lived some of the first men of their day — men of honor, courage, intellect, and learning. There was Joe Davis, elder brother of our revered ex-President, and who was beloved by all who knew him. He was the admitted arbiter of every question of honor, and his decision was always final. He was a great lawyer and debater, and his wealth was the honorable accumulation of his professional gains.

Natchez could also boast of General James A. Quitman, not only a great lawyer, but a man of heroic military instincts. Born to large wealth, he was not content to sit down in inglorious ease, but his quick spirit sprang forward in the paths of all honorable ambition. He had the high courage of a born soldier, and the magnificent generosity of a prince. When news reached Natchez, in 1833, that General Sam Houston was retreating before Santa Anna in Texas, and that Santa Anna boasted that his march should cease only when his

troops slept upon American soil and quartered in the city of New Orleans, the fiery spirit of Quitman kindled into vivid enthusiasm. He threw himself upon the highway and shouted for volunteers to the rescue. In three days he had a hundred picked men, armed and equipped at his own cost, and ready to follow him into the jaws of death for fatherland. Waiting for no orders and asking for no assistance, he hurried off with his little band, and they had nearly reached Houston's command when Santa Anna was routed and his force scattered. They arrived at San Jacinto only in time to rejoice with the heroes of that brilliant achievement.

Again, when, in 1846, our government sent out its memorable appeal to the people for soldiers to uphold the dignity of our flag in Mexico, Quitman was one of the first to offer his sword. He was appointed general, and was in command at Vera Cruz. He fought at Cerro Gordo, led at Chapultepec, and was the first at the gate of Bela. He saw Mexico lower her proud banner to American valor.

Sleep on, Quitman, by the banks of your mighty river! Its waters shall cease their majestic flow before they sing the lullaby of a more heroic spirit!

To go on with the great men of Natchez: there was Winchester, a text-book in pleading and the law. There was Turner, the lifelong judge,

and Boyd, and Montgomery, and Thatcher. Outside of the legal profession, there was Adam L. Bingaman, one of the best and noblest of men, and whose pure and beneficent life would adorn any place, even such a society as Natchez could boast of. I speak of Natchez as she was in the days when war had not laid its desolating hand upon her stately homes and her proud people.

Let us turn to Vicksburg, a city set upon the hills, and overlooking the yellow waves of the Mississippi. Except in these points, it is very unlike Natchez. Less beautiful in situation, it could vie with any city in the intellect and culture and graceful hospitality of its citizens. Upon its record are some of the brightest names in the annals of Mississippi. Let us begin with S. S. Prentiss.

It was while I still resided in Athens that one day in October, a day never to be forgotten by me, I made the personal acquaintance of the great S. S. Prentiss. He was making his celebrated race against Claiborne and Gholson for Congress, and I well remember the sort of thrill that passed through his audience when his rich, sweet voice rolled out the music of his opening words: "Fellow-citizens, I have been beaten in a race I never ran; I have been vanquished in a fight I never fought."

Those who heard him can never forget the strange charm of this wonderful speaker. It was

like music and poetry, and flame and fire, and love and hate, and memory and aspiration, all bearing away in one swift torrent the souls given up to its enchantment. I do not know what effect such oratory would produce upon the young men of to-day. They are, as a rule, colder and more self-contained than the men of that bygone generation, and perhaps can hardly understand the passionate, personal devotion felt for Prentiss during his brief and brilliant career. It is not too much to say that over the young educated and professional men of that time his influence was boundless. Among all his admirers, there was not one more enthusiastic than myself, and yet, looking back, I am compelled to admit, in all sober sadness, that this tremendous power was not exerted for good. All his splendid qualities—his brilliant genius, his dauntless courage, his chivalrous honor, his princely generosity, the wonderful gentleness and fascination of his manner—served only to adorn the reckless dissipation and extravagance by which his own life was wrecked, luring others into the same fatal errors.

He was the handsomest man I ever saw, his face and head being models of manly beauty. Unfortunately, his right leg was withered by some disease in childhood, and he was morbidly sensitive about this defect, although, by means of a stick round which he twisted the maimed foot, he was able to walk with ease. His voice was beyond description,

and his fluency of utterance marvellous. I have heard him say that he had committed so much poetry to memory that he often spoke without being conscious whether he uttered his own words or those of some favorite poet.

He was no debater, had no element of a politician; his gift was pure oratory. In conversation he was irresistible. I have sat at the wine table with him for hours, every one present so captivated by his delightful table-talk that even the wine, of which there was no stint, seemed less intoxicating than his presence.

What nights those were! How brave and generous, how gay and jovial; and what wit and humor sparkled with the wine! And but for nights like these, Prentiss might have been here now, holding an honored white head high in the councils of his State, instead of laying a youthful one down untimely, in a grave shadowed by debt and despair.

Contemporary with Prentiss were Joseph Holt, powerful in the law, and Smeed and Marshall, who were both men of wide reputation and large business. In the Yerger family there were five brothers, all lawyers, and each one eminent in the profession. So many gifted sons rarely spring from one cradle. They were Tennesseans by birth, but became Mississippians in infancy.

Among the famous men of Vicksburg, one of the most prominent was A. G. McNutt, the great re-

pudiator, as he loved to call himself. He was by birth and education a Virginian.

In some respects he was the most remarkable man I ever knew. It was not because he could debate with great force and speak with captivating oratory. Many of his contemporaries could compete with him on any rostrum, although he was admitted to be one of the best speakers of a time singularly fertile in such talent. Two qualities marked him out as an individual type entirely distinct from the class of speakers and thinkers to which he belonged. The first was a matchless ingenuity in spinning a web of sophistry, more consistent, more plausible, and more like truth than the honest truth itself. He could take any question, and so change and mould and adorn it that the most subtle intellect should fail to detect the falsehood.

Still more individual was his power of setting aside in his own favor those prejudices of the popular mind which must have crushed any other man who dared to outrage them.

To give one instance. He was a candidate for United States Senator, and opposed by Quitman. In a speech at Aberdeen, McNutt said, "Fellow-citizens, I understand that General Quitman is now in the eastern counties reviewing his militia, and that he says when he meets me he intends to whip me. Now, I tell him, at this far-off distance, if he whips me it will be because he can outrun me, for I have a great horror for the barbarous

practice of personal violence." At that time, in the South, personal courage was almost the most popular quality a man could possess, and the bare suspicion of a lack of it exposed him to universal scorn and reprobation. Such a speech would have disgraced any other man in Mississippi, but it was McNutt, and people laughed and applauded, and liked him the better for having the courage to boast of his well-known cowardice. He was regarded as embodied intellect, with no animalism to make him combative.

Many other leading men contributed to the eminence of Vicksburg at that time. The place was also noted as the famous duelling ground of the State. It seems that in these hand-to-hand conflicts between individuals, the awful immortality of the city was foreshadowed. Well was it for those who dwelt at ease in those pleasant places that no dream of the ghastly future came to disturb their gay prosperity; that none could foresee the long anguish of their gallant struggle, the humiliation of defeat, the bitterness of poverty and change, and a city in ruins, with her best and bravest offered up in vain. Already these things were written in the book of fate, but the vision was sealed, and no prophet arose to open it. And the sun shone, and the land rejoiced, and men and women walked lightly along the way appointed them.

CHAPTER XI.

ALL the places already mentioned were included in the older portions of the State. Passing on to the towns which had begun to spring up in the territory recently purchased from the Indians, we come first to Holly Springs. It is situated on the west side of the ridge which divides the State from north to south, and is only fifty miles southeast of Memphis, Tenn. It is the courthouse of Marshall County, and for many miles around the country is both beautiful and fertile. The soil is very much like that of the Mississippi swamp lands, and if it could be fertilized by percolation from the bottom up to the surface, as the bottom lands are, would be as productive and much more valuable. Without care these lands will become exhausted, while the perpetually renewed swamp lands will remain the same so long as the sun shines and the waters flow.

With such advantages of soil and location, Holly Springs thrived rapidly. This was so apparent that she soon outstripped all other towns in the new territory. In a short time the place was built up by many of the best business men, planters, lawyers, and physicians, brought by the stream of

immigration then flowing southward. Among my suspended friendships, I may reckon proudly the name of Roger Barton, who long resided in Holly Springs. He was as great in mind as he was good in heart, and that goodness was as nearly perfect as mortal can attain.

I never knew a man of more profound and continuous thought. It was said of him that he was never a student, and that was true. He was one of those men born to think out and formulate opinions for others, instead of receiving them at second hand. An oracle himself, he had less need to seek inspiration from the books of the Sibyl. He was a great lawyer, and in politics had the broad views of a statesman. He was an ardent lover of liberty, and too true a friend of the people to encourage that liberty to degenerate into license. Both in public and private life he was the soul of truth and honor, and incapable of an unworthy action.

He was not only one of the most generous of mortals, but, unfortunately, also one of the most improvident. No matter how much money came into his hands,—and his practice was large and lucrative,—it all slipped away in a little while, and left nothing to show for it. When he left Tennessee, and came to Holly Springs, his brother gave him two sections of the best land in Marshall County. It seemed to take wings and fly away. This was all the more remarkable as he was not

apparently a man of expensive tastes. On the contrary, he was even negligent in his dress, simple in life, and averse to anything like pomp or parade.

He was the leading criminal lawyer of his section, and no one who heard him on such occasions can ever forget the fervor of his eloquence and the power of his logic.

I was a mere boy when I first became acquainted with this noble gentleman, who had already reached the zenith of his fame. He treated me with great kindness, and our acquaintance soon ripened into a warm and lasting friendship.

Barton has long since departed for the Great Beyond, and I, standing on the verge, and looking forward to the renewal of our intercourse there, still turn backward to recall the jovial days and nights we passed together here.

The Hon. Joe Chalmers was for many years the partner of Barton, but was afterwards made chancellor, which dissolved the partnership. They were very unlike in many characteristics, but they were devoted friends through life. Chalmers was of Scotch descent, and had the analytical cast of mind so often found in that race. He was well educated, a good speaker, and a man of unquestioned honor and generosity.

I come with pleasure to the mention of my old friend, General Alexander Bradford, the chevalier Bayard, the hero of With La Cucha. One of

the kindest-hearted men who ever breathed, his extreme sensitiveness caused him to resemble the old Scottish chief, whose motto was "Ready, aye ready for the fray." He was a noble gentleman, as quick to respond to friendship as he was to resent injuries. Eminent as a lawyer, he took a large place in all the affairs of life. His enemies accused him of inordinate vanity, and his friends often repeated this charge, in order to amuse themselves by the elaborate arguments he never failed to make against the possibility of his having any vanity in his nature. An anecdote told of Tom Benton reminds me of Bradford. Benton one day said to a friend, "I am told that people accuse me of egotism; tell me if you think there are grounds for the charge." His friend replied that, if required to speak candidly, he must say it was just. Benton straightened himself up and threw back his head. "Sir," he said, "the difference between these little fellows and myself is just this: I *have* an Ego, and they have not." Bradford might have said the same. He had an Ego, big, broad, and affluent, and there was not a drop of meanness or faint-heartedness in it.

Living at Holly Springs at the same time was Mr. John W. Watson, who may be called a complete contrast to Bradford. He was a native of Virginia, and was deeply learned in the law, but had little of the genial courtesy for which the sons of the Old Dominion are generally distinguished.

Cold and haughty in manner, he was irritated to fury by any attempt at pleasantry or adverse assumption. I had known him for many years, when in conversation with him one day I happened to use the word "angels," meaning departed spirits. He interposed quickly, saying, "Not angels, Davis, but saints." Something in his manner made me laugh and reply, "I like that, Watson; just think of you and me in heaven, St. Watson and St. Davis!" He turned away indignant, and said no more. At that time he was in Houston, having for some cause gone there to hold court for the judge of that circuit. By request of some brother lawyers, I had gone to Houston to aid in the defence of a man whose trial was set for the next day. I was to represent General Tucker, then dead, and thus prevent his family from losing the fee. The testimony soon closed, and it was proved that the defendant had approached the deceased, and shot him through the heart without a word. I never heard a more hopeless case. Colonel Robert McIntosh, counsel for defence, undertook to show that threats had been made against the defendant, but the judge stopped him. McIntosh asked me if we should give up and submit the case without argument. I told him I could see no hope, but suggested that he ask two hours for consultation. This was granted, but two years would not have enabled us to pick a flaw in that testimony. Knowing Watson's irritable temper,

and how harshly he expressed himself when excited, I thought it might be possible to get up such a quarrel as to array the jury on my side against the judge, and get up a sympathy for the prisoner. Colonel McIntosh agreed that, although rather a desperate chance, it was the only one left to us.

I opened the argument, charging error in the decision of the court in ruling out testimony, and suggesting prejudice and tyranny. The court stopped me, but I began again upon partiality in decision. I was ordered to stop, and threatened with imprisonment for contempt. I then asked if I was to be denied the privilege of making a defence for a citizen whose life was put in jeopardy by his Honor's erroneous decision. I appealed to the people, and said that in a court governed by such unheard-of tyranny my only hope was to ask the court to write out my argument for me, so that I might learn what *could* be said in that court without offence. By this time Watson was in a great rage, and vehemently threatened me with the jail. I told him I was not afraid of the jail, and that he could not prevent the performance of my duty to my client. The quarrel continued forty minutes, the judge getting more and more furious, and the crowd, including the jury, becoming very much excited. In answer to some threat, I said to the judge, "You know we are not angels, if your Honor please ; only poor saints at your ser-

vice," and I thought he would choke with rage. I spoke for three hours, doing all I could think of to rouse and touch the emotion of the jury, and to divert their minds from the evidence. McIntosh supported me ably, and the defendant was acquitted.

When Watson went home, Judge Green asked what had become of the case. "Defendant acquitted," replied Watson angrily, "but he would have been hung, as he deserved to be, if I could only have sent Davis to jail, as *he* deserved."

Judge Alexander Clayton was for many years judge of the Supreme Court of this State. He was a very able man and successful lawyer; but on account of the confirmed feebleness of his health, he very early aspired to judicial office. The comparative repose of that life suited him better than the excitement of active practice.

The general population of Marshall County was made up largely of educated and refined people. From a very early day until the present time, no community in the State has stood higher than that of Holly Springs.

The town of Pontotoc was for a long while the second in size and importance in North Mississippi. It was the location of the land offices for the Chickasaw Indians. In consequence, it became a great field for trading and speculating, and wealth flowed in quickly. Men who had money, and knew how to use it, were attracted from all quarters,

enormous business transactions were made, paper passed from hand to hand, and fortunes were lost and won as in other gambling speculations. Litigation was a necessary consequence, and the bar soon numbered able men among its attorneys. The most prominent for some time was William Y. Gholson, from Virginia.

Like most of the young Virginians who came south with the tide of emigration, then at its full flow, he was a gentleman of polished manner, and the highest sense of what was due to himself and others. His knowledge of the law was profound, and in spite of constant application to business he kept up the habits of a student. He afterwards removed to Columbus, Ohio, and was elevated to the Supreme Court bench of that State.

As I go on with my record, great names throng upon my mind, and I say to myself, "There were giants in those days."

About this time began the career of Hon. Jacob Thompson, so well known for many years, and whose death not long ago severed another link between the old South and the new. Thompson served in Congress for many terms, and was Secretary of the Interior under Mr. Buchanan.

Mr. Charles Fontaine was a descendant of the renowned Patrick Henry, and his friends boasted that he inherited some of the vehement eloquence of that great orator. He was a genial, enthusiastic fellow, and, though not a great student, knew law

enough to serve his purposes, when supplemented by his quick and inventive fancy.

I have already spoken of my old competitor for the office of district attorney, Thomas J. Word, of Pontotoc, but will not forego the pleasure of turning to my good friend once more. Between him and myself there still exists an intimate relation of friendship, and it gives me pleasure to set down here the well-known fact that no man has ever questioned his learning and ability as a lawyer, or his honor, courage, and fidelity to his friends. I have known him well for the space of an ordinary lifetime, and in all these years have never heard one speech or action recorded against him which, "dying, he would wish to blot."

One more name must be dwelt on in connection with the Pontotoc of that day, Judge R. Miller. He was a South Carolina Whig. Although gifted with a quick insight into the facts and principles of a case, he applied himself to close investigation, and always came into court armed at all points. I met him shortly before the battle of Antietam, in which he fell while gallantly leading his men in a fearful charge. He seemed oppressed with some presentiment or vague foreboding, and after bidding me farewell with unusual feeling he said, "We may not meet again."

The general population of Pontotoc was much above average. There was a good deal of wealth among the citizens, many families of education

and refinement having come there to seek better fortune, and having found it in the increased value of lands. People were wild about land speculation, and though some lost, others won largely. My two brothers, William and James, went there for a time, and realized handsome estates. Both of them were importunate in their urgency for me to join them, assuring me that I could quickly lay up what would then have been a great fortune. This offer, however, I could not bring myself to accept. I was naturally averse to the kind of life they wanted me to take up, and could not for any consideration give up the labors and excitements and delights which belonged to the profession I had entered against so many difficulties. "The labor we delight in physics pain;" and I was at an age to find pure delight in congenial labor for its own sake. This labor brought me as much money as I wanted — a great deal more than I ought to have spent — and I had no instinct for accumulation as an end. My brothers, who were men of great ability and solid judgment, deprecated my decision, and made many efforts to change it. Perhaps they were right. When a man has lived as long as I have, he at least learns that there are two sides to every question, but he also learns that each one of us must live his own life in his own fashion. I have no doubt blundered many times on the way, but I have never regretted that I did not choose to stumble along a path that

somebody else chose for me. And I say this with due deference and apology to my good and valued friend, Dr. Greene, of this place, who the other day gave me a friendly lecture on the subject of Individuality. By the way, the doctor has plenty of individuality himself.

CHAPTER XII.

I COME now to Columbus, one of our oldest towns, and the county-seat of Lowndes. This beautiful little city is on the east bank of the Tombigbee, and I have never known a place of its size more handsomely built up, or with a more patrician and elegant society. No place can boast of a population of better lineage and traditions than Columbus is admitted to possess, and to this day the elegance and grace of her social life attest the power of these hereditary distinctions. Most of the first settlers of Columbus were from the best families of the older States—Virginia, South Carolina, Georgia, Kentucky, and Tennessee. Many of them brought large estates with them, and there was a considerable aristocracy of large land and slave owners. All the refinement and luxury possible were part of their daily lives, and their splendid hospitality was a proverb. To Natchez in the southwest and Columbus in the northeast the palm was given.

Columbus had her orators, her thinkers, her jurists, and her men of business, who would have taken rank among the highest in any country. William S. Barry was born and reared in Colum-

bus, and completed his education at Harvard. He studied law, but had neither taste nor patience for the dry and ponderous details of that profession. Like Prentiss and Holt, he was all orator, and could not bring himself to the plodding preparation which must underlie the most brilliant legal efforts. In the same way, no one was more effective in a canvass, but he abhorred the labors and responsibilities of office. He loved to be free and untrammelled, and could rarely be induced to work in harness. In 1855 he was elected to the legislature, and made speaker. He filled the office with efficiency and credit to himself.

In writing of Columbus, my mind turns naturally to the dear and honored friend of many years — the good, the great, the beloved James T. Harrison. To give this man his simple due, it is needful to exhaust commendation and rise into eulogy.

He was born in South Carolina, and graduated with high honor before coming to Mississippi. Having adopted the law as a profession, he studied it with such success as to be complete in all its branches. As a pleader he had no superior, and he debated with force and energy. He was the ideal of a gentleman and man of honor, and the object of universal love and admiration wherever he was known. It was my privilege to know him in the bonds of closest friendship for many years, and it is my misfortune that death has for a time broken the tie that bound us. Harrison, "let no

man think I do not love thee still." Wherever in the great realm of nature you may be waiting now, I know that you are unchanged, because your soul was made up of love and truth and honor, and these attributes are immortal. I shall find you after a little while.

Worthy names crowd upon my pen: Henry Dickerson, one of the wisest and best of men, and Clayton, with his calm and disciplined mind and his spotless integrity of character; William L. Harris, another one of the giants. After establishing at the bar his wide reputation as a great thinker and debater, he was first judge of the circuit court, and then removed to the Supreme Court bench. He was a man for any place. Then there was Adam T. Smith from the West, and Butterworth from New York, great lawyers both, and whose many noble qualities I had occasion to see tested under various circumstances. Also Stephen Nash, a scholar of many varied attainments; Evans, unsurpassed as a chancery lawyer. Henry S. Bennett had ability which brought him success early in his practice. He became judge of the circuit court, and was afterwards sent to Congress.

I could never fail to mention Tilghman M. Tucker, that friend of my boy days in Hamilton. He had now become noted for his law learning and his political sagacity. Few men controlled a better practice, and he came to have a sort of life estate

in a seat in the legislature. In 1841 he was elected governor of Mississippi. Many a talk we had about the old days in Hamilton, and many a laugh over the blunders we made at our first balls. The last time I saw him we went all over the occasion when neither of us could tell which was sangaree and which was syllabub, and the girls mortified him by laughing when he got the wrong thing. It was a great joke with us when I called on him at the Mansion in Jackson, but when it happened we both thought it a very awful matter.

At this time, when A. G. McNutt was governor, Jackson was not only the seat of government, but the abode of some of the best talent in the State. There was Rolney E. Howard, a successful lawyer, but still more brilliant as an editor. Everybody liked and admired Guion, whose intellect entitled him to the highest rank as a lawyer, and who had a noble and generous heart. I cannot refrain from one instance of his benevolence. For many years the house of Mrs. Dickerson was headquarters for a certain class of men, chiefly lawyers and members of the legislature, and for Mrs. Dickerson herself we all felt great respect and regard. A better woman never lived, nor a kinder friend. I was staying at her house, when one day I heard a commotion in the streets, and, hurrying in that direction, got there just in time to see the building enveloped in flames. In a few moments it was

consumed, and, there being no insurance, the loss was complete. As the crowd began to disperse, Guion got upon some steps and began to speak. After a short address, he headed a subscription with five hundred dollars. Stephen Cocke followed with five hundred more, and others with generous subscriptions, until the sum of four thousand dollars was raised upon the spot. He was the same active friend on all occasions, and, I believe, went down to the grave without an enemy.

The Hon. Henry S. Foote was, in my judgment, one of the first men of his time. In person he was small, with a large bald head. He had been thoroughly educated at school, and afterwards built upon this foundation by diligent study. Although he gave much time to general reading, he was particularly well versed in the history of nations. I have never met any other man who was so acquainted with the structure and theory of different governments, and his knowledge of our own was both extensive and accurate. He had unusual command of language, and was especially gifted with a power of arranging historical facts, and deducing from them political principles. In conversation he was always charming. As a speaker he was effective, and had great powers of satire and ridicule. He was a thoroughly sound hearted man, and even when severe was never malicious. I was always fond of Foote. If it be true that we know our friends in that other coun-

try, it will be one of my joys to renew there the friendship which lasted so many years in this world, and which was, I hope, only suspended by his removal from it.

There was George Yerger, the most gifted of a family of gifted men ; and May, and Chief Justice Sharkey, who ranked in intellect and learning with Chief Justice Marshall and other bright luminaries of the Northern States. Associated with him were two able colleagues, R. Pray and Pink Smith.

It was the boast of Mississippi that upon her roll of honor were inscribed names that would add lustre to any country, in any period of the world's history. Up to this time my record has dealt chiefly with men whose generation came a little before my own. They were mostly in the fulness of their fame, and were half through the voyage before my small craft was fairly launched. If I relied more upon their kindness and generous encouragement than upon any powers of my own, I was not disappointed, because I never failed to receive more at their hands than I could possibly have expected. Before turning to the men who were properly of my day, I pause to lay this small tribute of gratitude on the tombs of those who passed along just before me in the journey of life.

CHAPTER XIII.

FROM the year 1828 to 1855, life in Mississippi, was full and rich, and varied with much incident and many strong passions. In a new country, teeming with wealth and full of adventurous spirits, there is no tameness, no satiety.

Even in the routine of professional life there were excitement and adventure, oftentimes rising into passion and tragedy. My own practice was of a nature to throw me into an existence of restless activity. I had two partners, both unusually competent in the business of the office, and both greatly preferring that department. We practised in a large circuit, and I was thrown into the excitement of a continual round of courts. Our firm managed an extensive civil business, and, I may say, almost monopolized the criminal cases. If ever a man found his life filled with congenial work and variety and intense excitement, I did during all that time. O friends of that day, what glorious times we had together! What fierce combats we fought, and with what gay carouses we celebrated the victory! The very recollection makes me grow young again.

In the courts, at that period, all the technicali-

ties of the common law were rigidly observed. Scarcely a case occurred in which the bill of indictment could not be quashed on account of some error in the organization of court or action of grand jury. I remember quashing more than eighty bills of indictment at one term of the court in Tishemingo County, by one motion. The error was in the organization of the grand jury, which of course affected every class of cases alike. At first, and before I had acquired confidence, I took pains to search for some error, and held it in reserve, to be used if my man should be convicted.

Other lawyers all over the State availed themselves of the same advantage, to such an extent that the legislature took the matter under consideration. They adopted such a system of amending that now a blank sheet of paper accomplishes as much, when reported by the grand jury, as a bill prepared in compliance with the strictest rules of the common law. In other words, the legislature has made the amplest provision for the possible ignorance of district attorneys. When I am now employed in a defence, I never consider the bill of indictment further than to discover the offence charged. The largest docket in our then circuit was in my own county of Monroe, and it was the last in the circuit.

Returning home after an absence of ten or twelve weeks, I always found the civil business of our firm in a state of perfect preparation, and,

unless in some cases of unusual complication and many facts, I was seldom required to appear, reserving my full powers of mind and body for the criminal docket. This system was continued for years.

The political condition of the nation was in a most depressed situation, especially in regard to financial matters. We had no currency. The United States Bank had gone down before the onslaught of the indomitable General Jackson. All the state banks were buried in its ruins. Commerce was suspended. Insolvency was the rule, and judgments accumulated against nearly all citizens. Such a time of rage and excitement is rarely seen during a period of peace. By means of executions, sheriffs were seizing real and personal estate all over the country, and advertising for immediate sale. On the days appointed for such sales, the people assembled in angry mobs, and the feeling was evidently so desperate that sheriffs were compelled to postpone proceedings. They dared not invoke the full fury of a storm that, once let loose, would spend itself in irresistible destruction.

Both national and state governments confessed their inability to furnish anything which could be used as a medium of exchange for the relief of the people. Despair was in all faces, and enterprise was cut off. The government of the nation admitted that the Constitution conferred upon

Congress the right to coin money and to regulate the value thereof, but denied the existence of any power to create money or its representative. Nevertheless, that very administration, seeing that without money or its equivalent the functions of government itself must cease, resorted to the issue of treasury notes, now called greenbacks, for its own use, and passed a law of Congress by which these notes were made receivable as money, in transactions of government. The States could do nothing in the way of furnishing a circulating medium for commercial purposes.

These sources of oppression of the people were without precedent, and men of all parties and opinions took part in an eager discussion as to what measures of relief could be devised. In a casual conversation which I held with a politician, a very intellectual and well-informed gentleman in the then newly settled town of Aberdeen, I remarked that, while I had never studied or even thought of the subject to any extent, it seemed clear to me that for any people or country one of the first necessities must be money for exchange of commodities; that the first and highest duty of government was to furnish this circulating medium; and that this duty was an incumbent and paramount obligation which should in some form be exercised. I also suggested that, as the United States Bank had existed in a chartered form for twenty years, whether constitutional or not, Con-

gress should give it sixteen or twenty years for liquidation, its paper during that period to circulate as heretofore. The States could do nothing, because the power to coin, and to regulate the value of the piece when coined, was by the Constitution vested in Congress alone.

These remarks were so construed as to give me the character of conservatism. I had no aspirations for office, nor did I participate to any great extent in the political excitements of the day. My professional duties were greater than I could well perform without engrossing my whole ardor, and I was happy in my associations, and perfectly contented with the field already open to my energies.

The Supreme Court was held at Jackson, and cases from this district were triable at the January term. I had cases in that court, and I went to Jackson as usual. During the first days of the term, all the cases I had were submitted. I had no conversation about politics with any man, either Whig or Democrat, being much engrossed with business, nor did I even know that a convention of the Whig party would be held in Jackson on the succeeding Monday. In that convention candidates were to be nominated for Congress and other offices. At that time congressmen were elected by the State at large.

The Whig convention met on Monday. I had returned home before it met, and was astonished

by the intelligence that they had nominated me in conjunction with Adam L. Bingaman, of Natchez. I had never acted with the Whig party, and did not understand why they should have taken the liberty to use my name without my knowledge or consent, and without the slightest intimation that such an honor was to be thrust upon me. I therefore announced that I could not accept the nomination, nor make the race. Many personal friends of mine who were in the Whig party appealed to me to withhold my decision for a few weeks. They urged that the nomination was a high honor to a man of my age, and that courtesy required me at least to show some consideration for those who conferred it; that my conservative ideas upon the currency question had induced my nomination, and that I was to run as a Conservative, not as a Whig. I yielded to these representations, and took no immediate steps in the matter.

After a month had passed, the spring round of circuit courts began in my district, and my friends agreed that I should make two speeches presenting the views I have expressed, and that I might then retire without complaint. Upon this agreement I made a speech at Pontotoc, and one at Ripley. Going on to attend court at Fulton, my attention was called to a letter in the "Pontotoc Democrat," written from Ripley, and making a severe attack upon my speech there. I suspected the editor of the paper as the author of the letter, and going to

see him, we had an interview that was far from peaceable. After this collision, those of my friends who had all along urged me to make the race appealed to my personal pride, averring that to retire from the canvass now would have the appearance of being driven from the field. I therefore went on, and was defeated, with only the consolation of having reduced the Democratic majority from six thousand to two thousand.

This ill-treatment received from the Democratic party seemed too great to be condoned while they were still victorious. I therefore took the stump for Harrison and Tyler early in the campaign of 1840, and devoted to the success of "Tippecanoe and Tyler too" a concentrated energy and enthusiasm that I have rarely shown in any cause. We carried the State against Martin Van Buren, the vote in my district changing from six thousand Democratic to six thousand Whig.

I returned to the Democratic party after this interlude, and continued in close alliance with it until 1878.

Now it will be seen that the cause of trouble between the Democrats and myself in 1838 and 1839 was very slight. The difference involved no fundamental question, but simply one of expediency. The power of Congress to grant a charter for a bank was not discussed. The question at issue was solely the expediency of extending the charter and its circulation for a given time, as a

proper remedy for existing financial evils of a destructive character. This being all, I was entitled to expect more indulgence than I received. I was not at that time able to draw the distinction between fundamental and expedient, and was held accountable as having claimed constitutionality. The Democrats now admit the constitutionality of the power of Congress to charter, and would pursue with bitterness any one who should doubt it.

I made the opening speech for Harrison in that canvass, and it was received with some approbation from foes as well as friends. Under the circumstances this was a matter of the deepest gratification to me. My support of Harrison and Tyler was not induced by any hope of reward. I had lost all confidence in Van Buren and his policy, which was without any proposed remedy for the evils bringing ruin upon every industry of the nation.

This canvass was, in every aspect, an extraordinary one. From the beginning, there was not only a wonderful enthusiasm, but it was sustained throughout, and manifested itself in the energy and variety of campaign expedients. For some reason, the popular fancy was stirred almost beyond precedent, and that fancy delighted itself with a thousand fantastic and exuberant devices.

There was in especial an outbreak of popular campaign ditties, containing a cheerful medley of patriotic fervor and wild plantation melody. Men

and women sang songs about Tippecanoe and Tyler too, caring little for the sense, if the sentiment was all right and the tune stirring. (In those early days nobody was ashamed to confess to a liking for music with a good, honest tune in it.) Every ragged boy on the village streets shouted the same inspiring strains, and from every field the mellow voices of the negroes softened the most rollicking ditty into the pathetic cadences peculiar to the African vocalist.

There were public speeches everywhere. Great barbecues succeeded each other, and were attended by multitudes, who thronged to the appointed places in wagons and carriages, on foot and on horseback; travelling for miles to enjoy these social and political festivals.

In these more sober and prosaic days, it may, perhaps, be difficult for people even to imagine the perfect abandonment of a whole population to the excitements and pleasures of such a carnival. The more rigid moralist may be even scandalized by the spectacle of whole communities given up to wild days of feasting, speech-making, music, dancing, and drinking, with, perhaps, rough words now and then, and an honest hand-to-hand fight when debate was angry and the blood hot. To such a critic I would say that having lived through those days, finding the keenest and most vivid delight in them too, and having also experience of the widely different methods and habits of these later

times, my deliberate judgment is that much may be urged in favor of the past.

It is not to be denied that men drank more than was good for them oftentimes, and said and did many wild and foolish things both in their cups and out of them. But there was little trickery and no corruption in the politics of those days, and a man who had dared to tamper with a ballot-box, or who had been detected in any fraud by the people, would have been torn in pieces without a moment's hesitation. The populace might be ignorant of many things, careless and indifferent about many more; but where honor and honesty were concerned, the great heart of the masses beat true and fearless. Any man who aspired to lead them must be above reproach, according to their standards.

These standards were high enough and clean enough to force aspirants for leadership to at least outward conformity with the popular ideal, and the very existence of such an ideal kept the political atmosphere in a measure pure.

I speak to the young men of this age of boasted progress, and ask them wherein it consists, when tried by the moral standards of fifty years ago. I ask them to look back upon the past twenty years, and then tell what has been the ideal cherished in their hearts and lived out in their political lives.

As the summer drew near its close, the excite-

ment of the canvass waxed hotter and more jubilant. It was proposed that a meeting of the people of the West and South should be held at Nashville, Tenn., during the month of August.

This proposal was everywhere received with approval. It was agreed that a hundred men should be appointed as a committee to represent Monroe County at this meeting. I was one of the hundred selected, and we went to work with zealous preparation for the journey.

A new wagon was chosen and gayly painted. It was appropriately fitted up with a neatly built log-cabin and the typical barrel of hard cider, not forgetting sundry coon-skins among the adorning banners. Six of the finest horses in market were harnessed to this wagon, and the hundred delegates formed a mounted escort for it. We had tents and provisions with us, a band of music, and a retinue of negro men and boys, who were enchanted that their service made it necessary to follow their masters on such an expedition.

Thus equipped, we started gayly forward on a journey that was one long frolic. We travelled about fifteen miles a day, stopping at every cross-road to meet the people who came out to greet us. Wherever we tarried, there was music and speaking. The men brought out their best liquors, and the women their choicest dainties, for our refreshment.

Every house we passed was decorated with flags

and emblems. The women wore aprons and handkerchiefs adorned with log-cabins and cider-barrels in elaborate needle-work. These patriotic devices attracted much attention, especially when the wearers were young and pretty. The boys would then be observed to examine the designs with uncommon minuteness, and to display much interest in the specimens of handiwork.

It was a noteworthy fact that there were numbers of beautiful women all along that enchanted road. Do wayfarers find that road brilliant with beauty and delight nowadays, I wonder? Or was it only in the bright summers of fifty years ago that pretty eyes sparkled, and pretty cheeks blushed in the sunshine?

When we came to the larger towns and villages, committees were ready to receive us, and preparations made for elaborate entertainment. It was many long summer days before we reached Nashville, but they seemed too few and too short for all the merriment crowded into them.

Thousands were in advance of us, and it was estimated that more than a hundred thousand were present on the appointed day. Many speakers, of more or less celebrity, were ready to address the people from various stands, chief among them Henry Clay, and Thomas Corwin of Ohio. We of the South were eager to hear all the prominent Western men, but particularly Clay and Corwin.

Clay's speech was magnificent. It was worth

the journey only to hear him, but I remember that many persons agreed with me in thinking that Corwin on this occasion even surpassed that great speaker.

Corwin was at that time in the full vigor of ripe manhood, and he spoke with dignity and power, without losing any of his more youthful fire. He had a charm of manner and expression very captivating to all hearers, and was a good as well as great man. His pure patriotism was beyond all question.

The great mass-meeting was a triumphant success, and always remembered with satisfaction by those who took part in its excitements.

It is with a strange softening of the heart that an old man recalls the gala-days of his youth. The songs were all sung and the wine-cups emptied years and years ago. The gay companions have grown old and died. The triumphs and joys of life's heyday are as withered as the roses which bloomed on the road we travelled with such light hearts so many years since. Of all the hundred young men who rode out of Aberdeen so blithely that summer morning in the year of our Lord 1840, there remains only he who in his old age fondly recalls the idle story.

CHAPTER XIV.

MY partner, Stephen Cocke, had been security for one Mr. Boyd, receiver of public moneys at the Columbus Land Office. Upon settlement, Boyd was defaulter for about sixty thousand dollars, and he, with his securities, had been sued in the federal court of Mississippi for the amount. Judgment was rendered against them for sixty thousand dollars and costs. The case was appealed to the Supreme Court at Washington, the firm of Davis, Cocke, and Goodwin preparing the argument.

It was agreed that I should go to Washington to file the brief and have the case properly submitted, and to reply to Mr. Gilpine, the attorney-general, if he should make any point not included in our brief.

Some account of the financial part of this journey may be useful to show what loss and annoyance were suffered at every town on account of our want of currency. I took with me five hundred dollars for current expenses, some in Alabama funds, some Georgia, some South Carolina. I had also a hundred dollar bill on the Charleston Bank, which had not suspended. That was considered what would now be called "gilt-edged,"

and I expected to get gold for it in Charleston. The rest of my money was in Virginia funds. On the Alabama money I lost one third in passing through that State. My stage and tavern expenses would have been something more than fifty dollars. The discount added made the total expense in Alabama money eighty dollars. The same result occurred in passing through Georgia. The hundred dollar bill I presented to the captain of the ship which carried us by sea to Wilmington, North Carolina. He declined to receive it, as of doubtful value. I demanded evidence, and he gave the age of the note. I asked if the bank were not in existence at that date. He replied that it was, but that the age of the note made him hesitate to receive it, though he did not question that it was held by me in good faith. I then told him my name, and said that I would postpone my trip and go back to Charleston and settle the genuineness of the note. A gentleman named M'Rath, from Knoxville, with whom I had travelled several days, stepped up and insisted that I should go on, and that he was so sure that the bill was good as to be willing to give me gold for it. This I refused, but accepted such exchange for some Virginia money as would enable me to pay the passage. We had not gone far before a great storm arose, which drove us back to port. I then went, accompanied by my acquaintance M'Rath, to the bank, and instead of demand-

ing cash told the cashier that it had been questioned, and requested him to pronounce it genuine. After prolonged examination, the cashier made a pen stroke over it, but refused to say whether or not it was good. While we were talking, a Mr. Cohen, who had large business interests in Aberdeen, and who had at that time many thousands of dollars in claims in the hands of Davis, Cocke, and Goodwin for collection, came into the bank. We showed him the bill, and he said, "Mr. Cashier, this is perfectly good, and you know it." He then drew a check and paid me gold for the note.

All this taught me a lesson which has aided me frequently in the investigation of criminal cases founded upon circumstantial testimony alone. I could see how an innocent man, holding that bit of paper in as good faith as I did, but differently circumstanced, might have been arrested for trying to pass counterfeit money, upon the presumption which having such money in possession would create. In such a case, guilt would exist in criminal knowledge, and possession unexplained would have established the charge by aid of presumption. This personal experience impressed me with the unreliability of presumptions, and led me into a line of thought which has enabled me to acquit many persons in danger from complications of that nature.

The little experience which I have given of this journey may be useful in showing the dreadful

pressure under which we lived at that time. It is a matter of common observation that the practical working of a system can be best learned from the plain history of any individual case under its operation.

It seems monstrous that the most extraordinary financial and industrial prostration should have existed in the most splendid agricultural country in the world, that country having a labor system perfectly adapted to bring all its industries into harmonious operation.

What fatal cause could have brought about such results? Either party absolutism, or desperate incompetence in the rulers of the nation. My friends of that party will pardon me for saying that there is one vital question in government which has never been understood by the Democratic party. That question is finance. I recall the desolation brought upon this country during the disastrous years between 1836 and 1841, and I am like an old mariner who, having passed through many storms and witnessed the shipwreck of many stately vessels bearing precious freight, beholds with alarm similar signs of tempest darkening the horizon. May God avert the storm!

At one o'clock of the same day of our bank adventure, we again sailed for Wilmington. General Henry S. Foote arrived in time to take passage with us. The storm still continued, but the captain thought we would have calm before mid-

night. Instead of that, when we were off Cape Fear, it began to rage with increased fury. We were awakened by the turmoil, and going on deck found the captain trying to put back for Charleston. Next morning found us once more in safety, but no further on our way. That evening, for the third time, we set sail, and were fortunate enough to arrive at Wilmington next day.

From Wilmington to Richmond the train was crowded with passengers, and my friend General Foote displayed a little eccentricity, which led to a remark I have been reminded of many times in after life. Foote began to hum a little song, upon which I suggested that he would make himself conspicuous by doing so in a crowd. He replied, "Davis, let me give you a lesson. You may make it a matter of observation the rest of your life, and you will see that ignorance and impudence will succeed far better than intellect and modesty."

General Foote had spent many years of his younger life in Richmond, I think had studied law there, and was familiar with its people and localities. We went out together to breakfast at a restaurant, having arrived too late to be served at the hotel. On our way several gentlemen stopped and greeted me cordially, addressing me as Mr. Wise. It was the first knowledge I had of a strong personal resemblance to the Hon. Henry A. Wise, which was afterwards frequently brought to my notice by similar incidents. Foote was de-

lighted, and amused himself by all sorts of absurdities, making me a mock-heroic speech in which he pointed out how honored an insignificant young fellow like myself ought to feel in being thought to resemble one of the greatest men of Virginia. He even took time, in the course of showing me all that was worth seeing, to go out of the way and point out the office of the immortal Henry, as a place of deep interest to me. Like all Virginians, Foote had inordinate state pride, and really believed that to be born there was a distinction in itself.

My first visit to Washington made a deep impression upon me, because I then saw for the first time some of those statesmen whose fame filled the whole nation. After attending to my business in the court-room, I went to the hall of the House of Representatives, and sent in my card to Mr. Jacob Shannon. He came to the door and conducted me to his seat, remarking as we went that the gentleman then addressing the house was the man who was enough like me in appearance to be my twin-brother. It was Henry A. Wise, of Virginia.

He had been a supporter of Harrison and Tyler, but was tearing a large fraction from the Whig party and arraying it against the party under Henry Clay. One might have imagined that he was gifted with a prescient knowledge of events yet hidden in the future, but to be disclosed at no

distant day. It is certain that, although he could not have foreseen Harrison's early death, he was preparing the way for Tyler and his policy, and that in this speech he distinctly foreshadowed events that were soon to startle the nation. He made the most violent attacks upon certain of Clay's friends, even sometimes daring to rush upon that mighty lion among men with his vehement denunciation. I was appalled by his temerity, even while carried on by the rich stream of his oratory.

Upon leaving the hall, I went to the rotunda, where I found General Foote in search of me. I told him that I had been entrusted with a letter for Mr. Webster, and requested him to introduce me, should a fitting opportunity occur. At that moment, Mr. Webster entered the rotunda, and Foote presented me. The dignity and grandeur of the man overcame me for the first seconds of our interview. His majestic person, his grand head, and deep, dark, intellectual eyes, made him mighty in my eyes.

In a recent article by an eminent English writer, he says that "the thrill of awe is the best and highest of human sensations." If this be true, I reached my best and highest sensation then and there, as I stood before Mr. Webster for the first time, and felt the deepest emotion of awe of which my soul was capable. I had to pull myself together by main force before I had presence of mind to present the letter which was my excuse for approaching him.

This letter was written by Mr. George Gayle, of Tuscaloosa, Alabama, a very promising young lawyer, and nephew to Hon. John Gayle, at that time governor of Alabama. Mr. Gayle had presented for Mr. Webster's decision the great constitutional question, whether the bills of the bank of Alabama were, or were not, such bills of credit as were alluded to in that clause of the Constitution of the United States which prohibited to the State any issue of bills of credit. Mr. Webster promptly answered in the negative, referring to a case, decided by the Supreme Court, in which the question was adjudicated. He spoke slowly and with much dignity, and every word deepened the impression made on my mind, which, even after the lapse of so many years, remains as fresh as any event of yesterday.

The discussion which had occupied the Senate for some weeks, and which was still in progress, was probably the ablest which had ever taken place on that floor.

The subject was the independent treasury system. On one side the champions were Clay, Webster, and Mangham; on the other, Benton, Calhoun, and others. Great crowds thronged the House, and it was almost impossible to obtain seats in the gallery. General Foote, who never ceased his care of me, and who had friends at court, procured places for us both.

The celebrated William Allan, of Ohio, had the

floor, but finished speaking in about half an hour. He was followed by Mr. Webster, who delivered a short argument of great power, preserving his invariable attitude of statue-like repose.

While Mr. Webster was speaking, Foote pulled me by the sleeve, and said in a delighted whisper: "There now, he has made a mistake in the construction of that sentence, and people say he is the only living man who can speak for hours without a mistake in grammar." It was amusing to see Foote triumph in finding some flaw in the perfection which had overawed his lighter spirit. For my part, I do not suppose I should ever have noticed that special sentence, or, if I had, the chances are that, with a well-founded distrust of my own constructive ability, I should have adopted the error without hesitation, as the most approved mode of expression.

While Webster was speaking, Mr. Clay entered by a side door. I observed a stir and movement among the crowd when that noble and commanding form was seen to enter. As soon as Webster concluded, Clay rose and made a short address. By this time I had reached such a pitch of enthusiastic delight and admiration that it was almost like intoxication, and I suppose I owe it to Foote, or some other guardian angel, that I was able to keep my seat and behave in a rational manner. I heard that grand voice pouring forth noble thoughts and sublime images until the world

seemed full of grandeur. At one point, I remember, the applause was so great that the house seemed shaken by the roar.

Mr. Clay was followed by Thomas H. Benton, of Missouri, in my opinion the weightiest man in the Senate or nation. It was his mind and will that upheld the administration of General Jackson, which could not have existed a week without him. Every great measure of that administration was formulated, if not conceived, by Benton; and it was his stubborn and indomitable will that bore down all opposition. As a speaker he was ungainly in bearing, and had a bad voice and defective style.

On the next day I heard Mangham address the Senate. He was replied to with great bitterness by Mr. Calhoun, who spoke with a passion and fire and keen analysis I could not have conceived possible. All the while he stood erect, arms hanging straight at his side, and never once lifted; not a gesture, not the slightest movement of his person, and all the while this burning, flaming, withering flow of rhetoric and invective. His body seemed frozen into one immovable posture, while his mind was at white heat, pouring out a molten torrent of irresistible fury.

I came home feeling much expanded by all these vivid experiences. It has been said that it is good for a man's soul when his eyes dwell upon great mountain ranges. He carries away noble thoughts

and generous impressions from them. Coming home after this visit, I felt that I too had been on the mountain-tops, had heard the echo of noble words, had felt the stir of great thoughts, and had seen face to face those who were as prophets in the land.

In coming back to Mississippi, I took the route through Wheeling, Va., over the Cumberland road. Travelling in that day was a very different experience from the easy transit of the present time. I had to encounter the snows and storms of the Alleghany Mountains; and though I had provided myself with buffalo robes and Mackinaw blankets, those bitter days in the stage-coaches nearly froze the blood in my veins. The winds howled down the sides of the mountain, and the snow and sleet fell in perfect sheets, and the old stage-drivers seemed to look upon it as indifferently as if it were no more than spring sunshine. I shall never see anything finer than the contemptuous surprise of one of them, when I stopped to spend the night at Hagerstown, acknowledging that I should die of cold if I went another mile. To this I am indebted for an experience which, though not pleasant at the time, I have often recalled with pleasure. The sun was shining brightly when we started down the mountain on a road cut in the mountain side, and so narrow that only a few feet remained between our wheels and the edge of the precipice. Suddenly we plunged right

into a snow cloud, tearing our way through its very bosom, and emerging from it white with snow which the coach had gathered in its progress. When we reached the foot of the mountain we found sunshine again.

Union Town was only a few miles further on, and at that point we met the President-elect, Harrison, with a large escort, en route to Washington.

All the country around had furnished crowds of eager spectators, and the President was holding a reception. I did not stay to attend it, though I was invited with much courtesy, but pushed on to Wheeling in order to catch the next boat. While going down the Ohio River, we suffered still from the intense cold. I was standing in a crowd about the stove, when a stout, well-dressed man, with an intellectual face and pleasing manners, addressed me with some remark about politics, and we had a most interesting conversation. After some time, he informed me that his name was Rev. Alexander Campbell, and I knew that he was the man so famous as the great reformer. We parted with extreme friendliness at Cincinnati, and I have recalled with pride my hours of companionship with that man of lofty aims and noble soul.

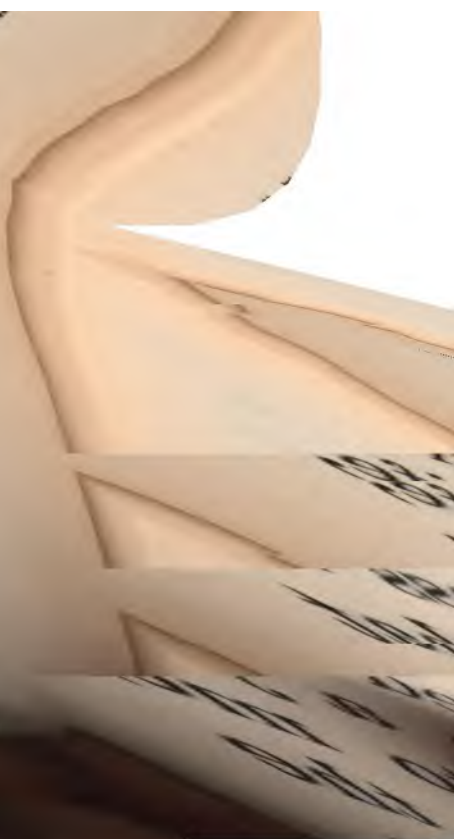
From Memphis I came through the country to Aberdeen. I found in my office such an accumulation of business as made that year, 1841, the most laborious of my professional life. So many cases,

both civil and criminal, that required argument in the court-room, and therefore belonged to my department, were on docket, that I labored incessantly in preparation, or on the circuit. I had unusual success in these cases, and felt all the exhilaration of congenial and successful labor. In spite of the financial depression already spoken of, social and political and business life in our section was in a ferment of eager and restless vitality. Men of this day would be appalled at the recklessness with which business was transacted then. Especially in the matter of credit, this recklessness was ruinous in its consequences. To put your name on a friend's paper was as much a matter of course as to sit up with him when he was ill, take care of him when he was merry, or fight for him if he got into a row. I suppose I have myself paid about seventy-five thousand dollars of security money, and my case was not exceptional. "A mad life, my masters, but a merry one." If some of us have since paid the piper, at least we had our dance, and it was gay enough while it lasted.

About this time my friends began to press me on the subject of politics. I answered truly that both inclination and judgment prompted me to stick to my profession. The law might be a jealous mistress, but she had been a kind one to me, and I knew then, as I know now, that it was the part of wisdom and prudence to divert no fraction of my energies from her service. But who is

stronger than his destiny? To whom is it given never to see clearly and walk blindly? What mortal lives who is not forced to acknowledge sometimes that he has seen better things, and yet has followed the worse? Should a young man now consult me at such a point in his career, I might be eloquent in my admonitions against leaving the path of prudence and safety. Should he ask if I regretted my own aberrations from that path, I might say with honest Sancho Panza, "Truly, there is much to be said on both sides."

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CHAPTER XV.

IN this year there was held a memorable election for governor in the State of Mississippi. The contestants were my old friend, T. M. Tucker, on the one side, and Rev. Mr. Shattack, on the other. The issue was the repudiation of the Union Bank bonds. Tucker bore the Democratic, and Shattack the Whig banner in this hard-fought battle. The facts were these: An association of gentlemen obtained from the legislature a charter for a bank, with a capital of five million dollars. The charter provided that the State should indorse the bonds of the corporation for five million dollars. The bank at once organized, issued its bonds, and had them indorsed in the manner prescribed in the charter. They were then taken to Philadelphia, and sold to Mr. Biddle, president of the extinct bank of the United States. This was in direct violation of the constitution of the State of Mississippi, and this fact was made known to Mr. Biddle before he purchased the bonds. The commissioners for the sale of these bonds assured Mr. Biddle that they would induce the legislature to ratify the sale. Now it will be remembered that this money was borrowed solely for this private

corporation, and was placed, when received, in the vaults of the bank, not one dollar being received, or in any way used, by the State.

Section 9, article 7, general provisions of the Constitution, is in these words: "No law shall ever be passed to raise a loan of money on the credit of the State, or to pledge the faith of the State for the payment, or redemption, of any loan or debt, unless such law shall be proposed in the Senate or House of Representatives, and be agreed to by a majority of the members of each house, and entered upon their journals with the ayes and noes taken thereon, and be referred to the next succeeding legislature, and published for three months previous to the next regular election in three newspapers of this State, and unless a majority of each branch of the legislature so elected, after such publication, shall agree to and pass such laws; and in such case the yeas and nays shall be taken and entered upon the journal of each house, and provided," etc. Now it is plain that all the protective provisions and conditions imposed by the constitution of the State were entirely disregarded and set at naught. Wherefore it was assumed that the law was absolutely null and void, and that there was no power in the legislature to vitalize it. Although the law was null and void, the people of the State would have paid the loan promptly, if the money had gone into the treasury of the State, or been used for the benefit of the

people of the State. It was received by the stockholders of a private corporation and for the use of the bank, and was used by the bank, and therefore no moral law, or no consideration of honor, required the people to pay this debt. Biddle knew that he was purchasing paper which was void by virtue of the constitution of the State, and that he was making himself accessory to the fraud, and therefore had no right to complain. As to both legal and moral obligation, I agreed with the repudiating party, and supported it with such strength as I could give it. Strictly speaking, it was the Democratic party minus a small fraction composed of men who refused to coöperate upon the idea of maintaining credit abroad. Among that number was the Hon. S. J. Gholson, judge of the Federal court of Mississippi.

The Democrats held their usual convention, and nominated for the legislature Joel M. Acker and Jack Abbott. They came to my office the day after their nomination to consult about the propriety of making the race. They thought it might be only running a losing race, especially as Gholson was in favor of paying the bonds, and would take the stump on that side. His influence, they, as well as others, thought might dominate the result. It seemed to me, on the contrary, that defeat was by no means inevitable, and my counsel was to endeavor by vigorous and prudent action to make the most of our chances, and perhaps in the end come out triumphant.

We drew up a short article in which it was stated that many voters desired to hear a discussion by Samuel Gholson and Reuben Davis upon the question of the liability of the State at the various voting precincts of the county. This was to appear in the next morning's paper, and it was agreed that my attention should be called to it early in the morning, with a question as to what I meant to do about it. I was then to make a peremptory refusal. This refusal would of course be at once communicated to Gholson, and he and his friends would profess themselves anxious for the discussion, and would begin to brag of their readiness, and to taunt the Democrats with my being afraid to meet their man in a fair field. All this was carried out according to our programme; and when a point had been reached where Gholson could not retreat without discredit, I wrote him a note in which I called attention to his former exultations, and offered him the opportunities he had so publicly longed for, in two discussions,—one to be held at Aberdeen, and the other at Athens, the then court-house of Monroe County. This challenge was accepted, as it was bound to be, our opponents knowing well that a refusal would have been considered as disgraceful to their champion, and to the men who put him forward. Gholson and I were, at that time, on terms so far from friendly that many of his friends came to me, and anxiously insisted that I should withdraw the chal-

lenge, and abandon all idea of discussion. This I refused, as I had set the trap, and had no fear of being, like the wicked, caught in the snares my own hand had devised.

Gholson had great reputation as a speaker, and his supporters gathered in great feather, hoping to witness such a victory as would justify the opinion they had expressed in his favor.

Perhaps it may be permitted me to recall that I also had some friends who rallied round me on that occasion, gallant, loyal gentlemen, whose trusty hands never failed me then or ever after. As memory brings back each detail of the ardent days long past, how the faces throng about me, how the warm hands grasp mine once more, and the cordial voices sound again in my ears! There was Charlie Weaver, truest and best of men. Man and boy, I have known and loved him these seventy years, and if ever there lived a more courageous, honorable, and stainless soul, I have yet to find it. He still lives, preserving in his old age the genial and friendly nature which endeared him to so many hearts in his youth. Davis H. Morgan was one of the warmest friends I ever had, a brave, true man, and one whose hand promptly acted upon the impulses of his heart.

There was William Hardy. In storm or sunshine his heart was with his friends, and no sacrifice was too great to make for them. When in some pressure of business calamity his friends had

to force assistance upon him in his fear lest he should prejudice their interests, and when prosperity returned, how fully he repaid all kindness. Also Sterling H. Buckingham, who was loved and trusted by a large circle. He was a generous, honorable, and successful business man, and had great weight in his circle of friends. We were together in many different scenes of life, and were always united. Other names rise to my thoughts, but the time would fail to mention all. Thus gallantly supported, I went out to make what stand I could, trusting to a good cause, and perhaps also to certain weak spots which I fancied I had discovered in Gholson's defensive armor. If I also confess that I thought I had observed some bluntness in his weapons, and some special disinclination to enter the lists on this occasion, it may be imagined that I did not consider our chances as altogether desperate. When the day arrived, an anxious and enthusiastic crowd assembled, and it was evident that the question involved excited deep interest. As Gholson had the affirmative of the proposition under discussion, he was entitled to the opening argument. He had artfully delayed the meeting until two o'clock in the afternoon, which gave him this great advantage, that when he closed the hour would be late and the people anxious to start home, and naturally restless and uneasy. Gholson opened with an able address. He was never rousing, but he debated

with force and energy. It was evident that he fully came up to the expectations of his friends in this effort, and the crowd was impressed. Some of the people rose and said that the lateness of the hour would compel them to start home soon, but if I would excuse them for leaving at the end of an hour they would be glad to hear what I had to say. When I arose, my young friends cheered with enthusiasm, wishing to sustain my confidence, I suppose, by this expression of their own. My two hours were exhausted, and I had the gratification of seeing that not one of the men from a distance availed themselves of their privilege of leaving in the midst of my speech. My friends expressed the most cordial satisfaction. The next day we went to Athens. My friends were determined that the same trick should not be played as to time, so at eleven o'clock we took the stand and dared his people to bring him forward. The discussion went on as appointed, and we tried to make other appointments, but Gholson positively refused. The repudiators carried both State and county by large majorities, and we triumphed mightily.

During all this time the prosperity of the legal profession was at its height. Speculation and credit always produce much litigation, and law business now came like a flood. Millions of dollars were tied up in bills of exchange and promissory notes, and all these passed through the

hands of lawyers. The profession was divided into three classes: collecting, litigating, and criminal lawyers. Bills of exchange and promissory notes were taken charge of by my partners, while I was in the court-room from the beginning of the year to the end.

There was one class of cases in which I was almost invariably retained on one side or the other — suits growing out of the sale of unsound negroes. I had read and practised medicine for a short time, and this was supposed to give me some advantage over my brother lawyers in the examination of physicians and experts, and in the argument of questions based upon medical facts. These suits, with criminal cases, and civil suits where complication of facts brought them into my department, occupied and filled my life at this time. In the summer of 1842 I had a diversion which I may give here.

Some time before, I had been elected brigadier of militia, and Major-General Jack Bradford sent me an order to call out for review the militia in the six counties which composed my brigade. At that time there was some talk of a war with Mexico, which increased our military ardor. I issued the order, and in August we began our review in the county of Tippah, four miles from the court-house. The county had two regiments, and the ground selected was common to both. General Bradford had provided himself with a uniform

so gorgeous as to smite the eyes of all beholders. His glittering chapeau was crowned with long white plumes, and the gilt scabbard of his sword was girt about him with a magnificent yellow sash. He was a tall and handsome man, and in his dazzling array looked, and felt, every inch a hero. He left Pontotoc two days before the review, and being clad in full martial attire, with sword dangling by his side, and mounted upon a gallant charger, he rode on to Ripley, a joy to all beholders.

In the meanwhile, I, with my chief of staff, Captain Joel M. Acker, left Aberdeen in a buggy, drawn by two horses, which were to serve our purposes on occasions of parade as well as by the road. Although we travelled in the plain garb of peaceful citizens, I promise you we were not unprovided with the paraphernalia of magnificent regimentals. We might not carry it off as grandly as the major-general, but our little trunk contained accoutrements not to be sneezed at.

We reached Pontotoc, where we expected to find our chief and to proceed in company, but found him already off for the field. When we got to Ripley, we were greeted with immense enthusiasm, passed a merry night, and were roused all too soon on the next morning by the strains of martial music and all the preparations for a field day. Captain Acker and I had soon finished breakfast, and started off, attended by a crowd, to

the parade ground, about three miles away. We soon discovered that the people were disgusted by our appearance in citizens' clothes, and considered themselves defrauded of part of the show. We hastened to repair this injustice, and soon appeared disguised in splendors that might have startled a Comanche Indian. This appeased the multitude, and we were greeted with thunders of applause.

Still no sign of our commander. The crowd grew weary, and I ordered the colonels to form their regiments. Just as this was accomplished, our superior appeared, gallant and glorious. There was a cloud upon his manly brow. We had been too precipitate. It would have been more seemly to await his arrival. I made a deep obeisance and asked pardon for my indiscretion. "It is granted, sir; but you will hereafter observe a more decorous delay." "Most certainly, sir; but you will appreciate the ardor of a young officer, eager to make his first display before an army panting for action." The chief was mollified, and as I observed he had no aide, I tendered the services of Captain Acker. This offer was graciously accepted. The parade went on, and it was a sight to behold. Our men acquitted themselves with so much credit that our hearts swelled with pride, and a sweet complacency stole into each bosom. Alas, it is in moments of overweening security that our downfall awaits us! Why, oh, why could not the major-general have left well-enough alone?

In an evil hour he directed me to advance and inform the colonels that he would himself assume command, and direct certain evolutions upon which he prided himself. I ventured to intimate a doubt as to the expediency of tempting fate by any new manoeuvres, but was ordered to "obey orders promptly or quit the field." I rushed off. "Colonels, I am instructed, etc., — now obey orders or quit the field."

My chief then ordered me to take my post, promising that I should now witness some splendid evolutions which could not fail to give me great pleasure. He even turned back yet once more to inform me that these evolutions had been much in favor with the great Napoleon.

He then moved forward and gave the command, "Battalions, prepare to form into columns of attack by companies. Battalions, form columns of attack on your rear — on your right — into line — wheel!"

Unfortunately the troops had not been faced to the rear. They hesitated. The general shouted again, and the evolutions began. In a few seconds, each separate company seemed to march straight into every other company. Some struggled in one direction, some in another, and confusion reigned supreme.

In this emergency the chief appealed to me, and I could only suggest that he might send me to make a short address of thanks and dismissal. He

hastily ordered me to do so as quickly as possible. Having called the troops into line, I said, as nearly as I can recollect: "Soldiers, your performances of to-day have exceeded all the expectations of your general. He bids me thank you for the manner in which you have performed your duty, and for the soldierly bearing which you have displayed on this brilliant occasion. Should the bloody banners of war be unfurled, and our soldiers called upon to march into Mexico, he can point with pride to your regiments as fitted for service on any field. Soldiers, you are dismissed with three cheers for the gallant general." The cheers made the woods ring, and we left the troops well pleased. It may be mentioned, however, that in all our subsequent journey Captain Acker and I carefully abstained from any reference to the favorite evolutions of the great Napoleon!

Two days later, we reviewed the troops at Jacinto, in Tishemingo County, with equal success. We then proceeded to Fulton, Itawamba County. On our way we were met by a crowd of about five hundred citizens, men, women, and children, who had assembled to see the officers, and more particularly their uniforms. The mistress of the house near which they had assembled was famous for the beer and ginger-cakes which she sold to wayfarers. She had, of course, provided an im-

mense supply of these dainties in anticipation of such an unusual occasion.

We mingled with the crowd as in duty bound, and endeavored to make ourselves agreeable and show our appreciation of the attention they had paid us, but it was evident that something was amiss. Soon it was whispered in our ears that the crowd were disappointed at the show we made; they had expected uniforms and plumes and swords, and the ladies especially regarded the lack of these adornments as personal. It was clear that something spectacular must be managed, or we would be voted failures.

I took the general aside, and represented to him that my horses were in harness, and that besides, he was the man to make the display. If, therefore, he would rig himself out without delay and mount his horse, I would in the meanwhile amuse the crowd by treating to cakes and beer. This was agreed upon. I bought the good woman's stock and invited the crowd to partake, stipulating that all the children should first be supplied with cakes, and the residue be served to the elders with their beer. This was accomplished and the crowd was soon in high good humor. The children especially seemed persuaded that I was a passable officer, though not dressed up to my merits. But when our chief appeared in all his splendor, mounted on his war-horse and waving his sword,

the grand finale was attained and the show ended. The review in the four remaining counties was something on the same order. When over, our ambition for military glory was satiated, and we returned to the shades of private life.

CHAPTER XVI.

Soon after these military exploits the courts began in this circuit, and they were holden by Judge —— Howry, an able jurist and most accomplished gentleman, with whom Judge Adams had interchanged circuits. During one of these courts I passed through the most remarkable experience of my life, and I give it here as a matter of some interest to those who are curious about psychological problems. I do not attempt to give any explanation, but simply relate the facts of an occurrence which has always been a mystery to me.

The court-house was then at Athens, but I had, some time before this, removed to Aberdeen. My relation with Judge Howry had always been of the friendliest character. Not one word of discord had occurred between us in the three or four counties in the circuit which preceded Monroe. I had not even taken an appeal from one of his decisions, or reserved an exception. I was delighted with the judge, and was most respectful and attentive to him. As it happened that several days intervened between the court of Itawamba and that of Monroe, I induced the judge to come home with me

and spend the interval at my house. We went together on the Monday morning to Athens, seven miles distant, and the court was organized and moved off in the most quiet and orderly manner. The dignity of the judge and his prompt and impartial bearing inspired both bar and people with the highest confidence. It happened that my firm was on one side or the other of nearly every case in court, especially litigated cases. Business moved on rapidly and well. I left Athens late one evening and drove over to Aberdeen to spend the night at home. I remember that I found all well in my family, that there were friends staying in the house, and that we passed a social evening most pleasantly and cheerfully. There could have been nothing in my mental condition to bring about what followed, for I fell asleep in gay spirits and with no thought of any possible trouble on my mind. About one o'clock I found myself in this strange condition. I use the word *condition* because I can think of no other more appropriate, but it does not fully express my meaning. I was certainly awake and conscious. The room was filled with a light as bright as sunshine. I made several efforts to rise, but could not move hand or foot, and I thought I was dead. I asked myself the question, Can this be a man's condition after death? Is it possible that the brain still thinks and the heart still feels, while the body lies dead and motionless? At this moment

the light went out, and in the darkness that ensued life seemed to flow into my body, and I could move and speak. I fell asleep almost immediately, and soon found myself again awakened by the same overpowering light and the suspension of bodily movement or sensation. Once more the light faded. I roused myself to wonder, and in wondering fell asleep as before. This time I was aroused by still more dazzling light, and felt that I was again in a state of bodily lethargy. I then heard a voice distinctly ask, "Do you desire to know more than is allotted to mortals?" I do not think now, as I did not think then, that I heard this voice with my bodily sense of hearing. Rather it seemed to be communicated by some inner voice, and received by me with some inner sense of hearing. I answered with the same inner consciousness, "I do." "Then ask and obtain knowledge. Be watchful to-morrow." I saw no image, not even a shadow, only the intolerable light that seemed to shut me in. Before I heard more, the whole passed away and I was lying quiet in the darkness of an autumn night.

Now whose was the voice, and from whence came the vision that warned me of a coming peril which I had no power to foresee? I do not know, never shall know in this world, but I do know that it was a warning without which a life would have been lost, perhaps mine, perhaps another's. Who can tell how many mysteries surround us all our

way from the cradle to the grave, only our eyes are holden so that we cannot see. I was so impressed by these strange occurrences that I awoke my wife, and after relating them said that I believed some danger threatened me at court next day. She insisted that I should remain at home; but I had duties which were imperative, and, besides, if it were a prophecy, how could I frustrate the decrees already written?

I had just finished an early breakfast, when Captain William P. Rogers drove up in the buggy which was to take us both to Athens. On the way, I mentioned what had transpired during the night. I said to him that I was determined not to fight that day, no matter what provocation I might receive, and I asked him, if he saw me in danger of forgetting this resolution, to remind me of what I had told him and thus restrain me. He promised that he would. We reached Athens, and just as we drove by the court-house, the sheriff made proclamation that the court was opened. As one of my cases might be called at once, I jumped out of the buggy and went rapidly into the courtroom.

A case had been called of *The State v. Dick*, on a charge of larceny. Joel M. Acker was making defence, and Francis M. Rogers in the prosecution. As I entered the bar, Acker was seized with a chill so violent as to disable him from proceeding with the defence, and he requested me to defend

for him. To this I consented, of course. The case proceeded. Under our statute the State could challenge two jurors, and the defendant four. Rogers had objected to two jurors, and his challenges were exhausted. Another juror was called, and Rogers said with some eagerness of manner, "I accept." I knew that such a manner was sometimes adopted to gain favor with the juror, and I said, "Rogers, why do you say that? you are *bound* to accept." He replied, "No, I have four challenges." I insisted that he was entitled to but two, and when the judge sustained Rogers, I turned to the statute and read to the court that it was but two, saying "You see, sir, I am right." The judge at once ordered me to take my seat, which I did, though I felt both surprise and chagrin. The court then ordered Rogers to sit down. He replied that it was his right to stand and he meant to do so. The court then ordered the clerk to enter a fine of fifty dollars against me. I was thunderstruck. Up to this moment I had been so surprised by the unexpected attitude of the court, coming as it did after weeks of the most pleasant and friendly intercourse, and with no provocation that I was aware of, that I had felt no emotion stronger than annoyance. At this point, however, my patience gave way, and I felt myself in a perfect blaze of sudden fury. I had in my pocket a very fine knife with a long thin blade.

As I sprang to my feet, I drew out this knife, opened it, and threw it point foremost into the bar, looking steadily at the judge all the while. My object was to induce the judge to order me to jail, and then to attack him on the bench. The knife vibrated, and the weight of the handle broke the blade near the middle. General S. J. Gholson and several others ran upon the bench beside the judge, ordered the sheriff to adjourn the court until one o'clock, and carried the judge out of the court-room, while a number of persons seized me. This was a most prudent and timely action on the part of Gholson. The situation was full of peril. Many would have felt it a duty to stand by the judge and see that he received no harm, while I had personal friends who would have stopped at nothing in my defence. This danger could have been averted only in one way, and Gholson is entitled to great credit for his quickness in seeing the remedy and his promptness in applying it. Judge Howry was a man of unquestioned courage and firmness, and would undoubtedly have taken the only step left to him by ordering me to jail, if Gholson had not relieved him from the dilemma. I had taken the aggressive step, and could not have hesitated to pursue it. My friends would have sustained me, and the consequences might have been most disastrous but for Gholson's dexterous management.

Judge Howry being withdrawn, prudent men

among my personal friends condemned my action, and appealed to me to let the matter stop. I agreed to this and went to my hotel, as the judge had gone to his. One of my partners, Mr. Goodwin, was staying in the same house with Judge Howry. I went to his room, and after an hour's consultation with him about our cases, I stepped out of his door, intending to pass straight to my hotel. As I closed the door, I saw Judge Howry enter the hall and come forward towards the place where I was standing. I awaited his approach, and when close to me, I asked him if he had intended by his fine to insult me. He said, "No." I then said that I had been guilty of no offence to justify such an indignity, and requested some explanation. He replied, "I do not, sir, explain my official conduct to any man." In a moment I had slapped him in the face with my open hand.

By some accident a claw-hammer had been left upon the floor near by. He seized this and struck at me violently, while I got from my pocket the broken knife and opened it. The blow of his hammer fell upon my head, cutting through my hat and several files of papers to the bone of my head. The concussion produced exactly the same condition I had been in the night before—the same brilliant light and the same rigidity of body. Instead of falling I stood like a statue. As the condition flashed off, I made another stroke at his jugular with the corner of my knife-blade. This

blow fell upon his jaw, and I seized him with my left hand by the collar of his coat, and pushed my head into his face. He struck again with his hammer, breaking and depressing the outer plate of my skull-bone, without, however, invading the inner plate. Again I fell into the condition of the previous night, but not until I had inflicted three more cuts upon his jaw. As we were pulled apart, he gave me the third blow, producing again the condition mentioned.

I went to my room, and sent the judge a message, warning him not to leave his room unarmed, as I should attack him upon sight. My friends gathered round me, urging that the trouble was useless and should now be stopped. This I could not bring myself to consider, until after a while Captain William P. Rogers came in and whispered in my ear, "Remember what you told me this morning."

In a moment the whole thing recurred to me, although forgotten in the excitement of the past few hours. I realized that this was the danger against which I had been so singularly forewarned, and at once gave myself up into the hands of my friends and allowed them to arrange it for me.

The court met again that evening. I had put on a fur cap, with the back part before, to conceal my wounds, and the judge wore his overcoat with the collar well drawn up, to hide the tokens of combat on his person. I proposed the argument

of a demurrer. The judge objected and said, "We will go to the jury." That evening Judge Adams returned, and relieved us from our unpleasant predicament by terminating the exchange and allowing Judge Howry to leave next morning for Oxford. I did not meet Judge Howry for seven years after this affair. He resided in Oxford on the western side of the Ridge, and as we had no railroads, the communication between the two sections of the State was more tedious and difficult than could now be thought possible. The federal court for the Northern District of Mississippi was held at Pontotoc. I had gone there to attend it, and was sitting in a room with Roger Barton and Chancellor Chalmers, when Chalmers was sent for from below. He soon returned and said to me: "I suppose, Davis, you care nothing now about that affair between you and Judge Howry." I promptly replied that I thought nothing of it; that Howry was a gentleman, and that our difficulty was casual and without malice. Although it had been a death-struggle, it had been about almost nothing. Chalmers then said that Howry was below, and would be glad to come up to Barton's room. He did so, and I met him at the door, and we greeted each other in the most cordial manner. Until his death, no two men could be more sincerely friendly than we continued to be. I retain for him the kindest recollections, and remember with pleasure many hours spent together

both before and after our one hostile encounter. I shall always believe that he went down to his grave without finding out what led to our quarrel that day, and I am perfectly certain that I shall go down to mine in equal ignorance unless he comes back to tell me.

Judge Adams continued that term of court. He was not great as to legal learning, but was for justice and right, and his fine practical sense and good judgment enabled him to give general satisfaction. There was nothing of the tyrant about him, nothing arbitrary or dictatorial.

CHAPTER XVII.

THE following winter had its usual routine, the Supreme Court at Jackson being a prominent feature. The ablest lawyers from all parts of the State were in attendance. They came not to submit their cases, as is the custom now, but to discuss them, and with those men discussion meant something. It meant a conflict of minds drilled and disciplined, and charged with material to be used in attack and defence. They were allowed all the time that the elaboration of their cases required.

A rapid presentation and condensation of legal principles and of facts induces obscurity. To make any proposition clear and explicit, it is necessary to analyze, and then to examine each part separately, and all the parts in their combined relations as a whole. Unless time is allowed for this process, the analysis is incomplete, and the combinations must be confused. In that case the judge is left to speculation, and his decisions are to a great extent guess-work.

Now the question is, Shall we sacrifice justice and right under a false pretext of saving time? The effect of an established wrong is too often not recovered from in the life of a man — perhaps not

even in the life of a nation. "Alas! time stays; *we go*," is as pathetic in fact as in poetry, and it is the tendency of modern life to go so rapidly that we are in danger of leaving truth, justice, and mercy, and all the higher things of life out of our thoughts altogether. Undue haste produces mental confusion and revolutionary action. Haste is not one of the objects of government or law. Deliberate investigation is necessary to ascertain truth, and no nation can prosper when truth is not the end of all its forms and customs. The courts of all nations are organized with the one object of securing to all men exact and equal justice, and any arbitrary rule of a judiciary which tends to defeat this object is abhorrent to civilization. Time should be considered only as a means to be used for the great ends of right. Otherwise the goddess Justice is not only blind, but stone-deaf, and no better than a puppet.

The world has moved on since the days to which I refer, and life swings in a wider circle, but in my poor judgment there have been changes which were not always improvements.

When I was in Jackson that winter, the legislature was in session, and I cannot help recalling how differently people thought of that body in those days. The State could not have furnished an abler body of men. Every citizen was at that time proud of his State, and would leave Congress to serve in her legislature. Proud of the name

of Mississippian, it was an object of honorable ambition to occupy a seat in her halls. Corporations and private influences had no place in that session. Every measure introduced had for its sole object the best interests of our agricultural industries, and in giving shape to such measures, not only the learning of schools, but the far higher wisdom of observation and experience was brought to bear. In the then existing state of affairs, lawyers, doctors, merchants, and often ministers of the gospel were more or less connected with agricultural pursuits. As soon as a man began to accumulate money, he bought a plantation and negroes as a matter of course. After that, it was more negroes to work more land to the end of the chapter. I don't deny that the end was dark and dismal enough, but the chapter was a gay one, full of life and incident and the maddest merriment. Men were men in that day and time, and could both work and play. Their days were made honorable by strenuous and successful labor, but in the intervals of that labor they took their pleasure freely. I could tell of many a merry day and wild night, but in the midst of gay recollections the melancholy thought *will* come — of all the jovial crowd whose wit and laughter and song come back to me so vividly now, scarcely one remains. Thus it is that "Time encrusteth round with sad associate thoughts" even the golden memories of youth and pleasure.

I have often laughed at the recollection of a scene of which I was only a spectator that winter in Jackson. It was far on in the depth of a winter night when I was wakened by a confusion of sounds in the street, music predominating. I threw open a window, and beheld a long line of well-dressed gentlemen proceeding in single file down the middle of the street, and loudly singing the then popular melody of "Buffalo Bull came down the meadow." It was the legislature of Mississippi indulging in an airing, after having spent an evening in the worship of Bacchus. The chorus was given with a will, and the streets fairly resounded with the lively ditty. It was a sight long to be remembered.

Whatever else may be said of our institutions, it is certain that they gave to the dominant race a certain loftiness and independence. Something of the old Roman idea of the rights and dignities of free-born men and citizens attached to the poorest of them. It would be a great injustice to suppose that the men of that day were given up to enfeebling self-indulgence and luxury. On the contrary, among all classes, and especially among those of gentle birth, our young men were brought up in habits of a free and fearless activity. It is well known that a Southern lad generally learned to shoot as soon as he could carry a gun, to ride as soon as he could be held upon a horse, and to swim as soon as he had left off petticoats. To

hunt and fish, to ride and swim, were always the favorite pastimes of our youth, and these manly sports kept from effeminacy even those who were born to an inheritance that made labor a question of choice, not necessity.

Our federal court was at that time held at Pontotoc; and, although we had a heavy business there, I rarely attended that court. The cases were mostly suits for collection by non-residents, and Cocke and Goodwin always managed that department. I recall an incident connected with the first case I attended to in person in the federal court, which made it memorable. Judge Gholson had adopted the rule of not allowing attorneys to do more than read the papers of a case, and introduce and examine witnesses. The judge would then charge the jury, not permitting any privilege of speech or explanation. It will be seen that this rule was fatal to any case involving intricate points of law or evidence. Although the subject was one of frequent and bitter complaint, there had been no attempt to bring about a change. It so happened that my firm had been employed by Mr. Mark Prewitt, of Monroe County, in a suit pending between him and a Mr. Caruthers, of Mobile, Ala. The amount involved was ten thousand dollars, and Mr. Prewitt and my partners had determined that I should attend to the case in person. At the spring term I went to Pontotoc, and for two days watched the progress of some other

cases, and heard from lawyers engaged in them strong expressions as to the annoyance of the arbitrary rules enforced.

Now I flatter myself that I am a patient man and disposed to peace, but to submit patiently when my own rights and the interests of my client are being trodden under foot has never been easy to me.

The Prewitt case was called, and had not progressed beyond the preliminary steps, when some question of law arose. Without even a moment for deliberation, the judge decided hastily against us, and ordered us to proceed. The point was a vital one, and the whole case turned upon it. I arose, and said in a respectful tone that as the decision was important, I desired to address the court before it was made. He ordered me to sit down, but I replied that I was demanding only my own rights, and was resolved to maintain them.

He then said I must sit down, or he would send me to jail. I replied, "You have the power to make that order, but execute it if you dare. Every man in this room will sustain me in the assertion that I am simply protesting against a monstrous tyranny and injustice to my client; and should you attempt to carry out your threat, you know well that I will hold you personally responsible."

At this point there was a perceptible stir in the bar, and the crowd began to make audible movements and suppressed remarks of an angry nature.

Gholson had been stubborn up to that moment, but he saw the temper of the crowd, and knew that he could not venture farther. He therefore said hastily, "Proceed with your argument, sir." I spoke about fifteen minutes, and the judge reversed his decision. The jury decided for Pre-witt, as I knew they must if the case could only be presented to them. In the presence of the judge, the whole bar came up and congratulated and thanked me, and the crowd made such demonstrations that the court was satisfied the old rules must be done away.

During the next two years I was employed in a number of murder cases, in all of which, with the aid of home lawyers, I was successful. One case was of such difficulty, and involved such unusual questions, that I will give some brief sketch of it. The case was the *State v. Forester*, Itawamba County, Miss. Forester had killed a man, and fled to Tuscaloosa, Ala.

After some six months had intervened, Judge Ormand, who at the time was perhaps the most brilliant lawyer in the State of Alabama, sent a Mr. Whitfield to Aberdeen to consult me about the case. Ormand had been for many years on the supreme court bench of the State, was a most powerful debater, and had great reputation as a criminal lawyer. Mr. Whitfield was sent to get my opinion as to the possibility of an acquittal, and to ask if I would advise Forester to give himself

up and stand trial. In that case it was proposed that I should make the defence at a fee of one thousand dollars. I declined to give any opinion as to the probability of acquittal, and refused to advise on the subject of surrender. It has happened frequently that the same questions have been put to me. I always say that I can take no responsibility of that nature. A man must decide for himself whether he can afford to take the chances. All that I can promise is to do my best for him after he is in the hands of the law. Soon afterwards I received a letter from Judge Ormand, stating that Forester would surrender, and would put himself in my hands on the terms agreed upon. In a short time court met, and Forester was arraigned.

It appeared from the testimony that he had been on the most unfriendly terms with a certain Mr. A. B. That he had gone to a justice's court one day, being armed with a pistol, and after some altercation, had shot and killed A. B. It was charged that Forester had gone to this place armed against the life of A. B., and that he was prompted by existing malice.

If it could be proved that he had expected to meet A. B., and had armed himself before leaving home with a view to conflict, then it would be malice aforethought and murder. This was the dangerous point in the case. If we could escape that, there was nothing in the conflict itself so very alarming.

The defence proposed to show that before Forester started from home on the morning of the killing, he had remarked that his pistol was out of repair, and that he would take it to a blacksmith to have it mended, and that he had no other object in wearing the pistol that day. Neither Ormand nor I felt any confidence that the court would allow us to introduce as evidence this declaration made by Forester to his family on the fatal day. The question had never arisen in my practice before, and Ormand informed me that he also encountered it in this case for the first time. We devoted much time and labor to research on this point, and Ormand found one analogous case decided by the supreme court of Alabama, and I discovered one decided by the supreme court of Mississippi. Both of us knew well that if we held our ground here, we should have to fight for it.

Ormand and Forester had come to Aberdeen, and we had gone to Fulton together. Colonel Matthew Lindsay, of Aberdeen, was employed in the prosecution. He was a man of considerable ability and eloquence, and had a weight of character that gave him large personal influence. John W. Thompson was district attorney, very forcible and energetic in debate, and skilled in the management of his prosecutions. Judge Ormand and I had much to fear from the combined ability and family influence brought to bear against us. On Tuesday, the second day of term, the court ordered a special

venire, which was drawn. The State closed its testimony with manifest and jubilant confidence. Our first witness was to prove the declaration made by Forester as to his motive in carrying the pistol. To this testimony the counsel for the State objected, and the question was discussed at great length. Lindsay and Thompson both excelled themselves, and Ormand's effort might have added even to his great reputation. I do not know that I ever heard it surpassed. Prentiss was a more fiery and passionate orator, and Yerger perhaps a little more powerful in debate, but for combined oratory and power, I think Ormand surpassed either. The court overruled the objection, and allowed the testimony to pass to the jury. Our great point was gained. We had by the declaration of the defendant answered the presumption of malice successfully, and the residue was not so difficult. The chances were well balanced; but when we went to the jury, I had a distinct sensation of feeling the heart of the prisoner palpitating in their hands. Ormand, in his argument before the jury, was simply tremendous, and Thompson and Lindsay showed themselves to be foemen worthy of his steel. I spared no arrow in my quiver and no strength in my arm; and when the jury brought in a verdict of acquittal, it was a proud moment for us all.

CHAPTER XVIII.

THESE excessive labors in the court-room occupied my time so fully, that, although we had all the excitement of an election for governor and for state and county officers that fall, I took little part in politics. Tucker had been nominated for Congress from the State at large by the Democracy, and to supply his place as governor they had nominated General A. S. Brown.

Brown had served two terms in Congress. Although not, like Clay and Webster, preëminent in genius, he was the best-balanced man I ever knew, and the most successful in his life. Without much apparent effort, he gained almost everything to which he aspired. There seemed to be no conflict in his experience, no ungratified hopes or ambitions. This was, possibly, largely due to his temperament, which was placid and harmonious to a wonderful degree. I knew him well, and am certain that I never heard him make an unkind remark about any one in his life, and no person was ever known to speak of him unkindly. He was a remarkably handsome man, with fine, commanding form, animated features, and a profusion of dark curly hair and beard. His manner was pleasing,

without ostentation or vanity, and in speaking, his style was uniform and persuasive, and he carried his audience with him always. In politics he had strategy without corruption, and handled all his opportunities with skill, but never descended to intrigue. In addition to all his other good-fortune, he married one of the best of women, handsome, elegant, and accomplished — the ornament of Jackson during his gubernatorial term.

In this contest he was opposed by Clayton, of Columbus, who had been nominated by the Whigs as the bond-paying candidate. Clayton was a most excellent and accomplished gentleman, both in character and intellect worthy of any office in the State. Brown was elected by a handsome majority.

It was in this canvass that the Hon. Jefferson Davis first made his appearance in the active politics of the State. He had for ten years been almost a recluse, living upon his estate known as Briarfield. These years of seclusion had been devoted to arduous study, and from them he emerged, the ripe scholar, the profound thinker, the polished speaker and writer, whose gifts and graces have won the admiration of the world, both friends and foes. At this time, only a few intimate friends were aware of his wonderful powers and attainments. Regarding the question of the Union Bank bonds as one of vital interest, forming a crisis in our state history, they conceived the

idea of bringing about a discussion upon the constitutionality of these bonds, between Mr. Davis and Mr. S. S. Prentiss. This joint discussion was arranged to take place at Vicksburg, and to continue until the subject was exhausted. The discussion was continued for two days, the speakers alternating every hour. The friends of Prentiss anticipated for him an easy victory. Davis had seldom spoken from the rostrum, but he was master of the whole science of rhetoric, and had made himself as familiar with the subject in hand as it was possible for a man to be. Less brilliant in oratory than Prentiss, he was always fascinating and charming, and had much more strength as a debater. He was certainly more cautious and deliberate, and his friends claimed for him the advantage in this whole discussion.

Since the great influx of wealth and population consequent upon the purchase of the Choctaw and Chickasaw lands, the prosperity of Mississippi had been unbounded. New lands were continually being opened, and great crops brought wealth and progress. New towns and villages sprang up, and handsome country mansions were everywhere to be seen. All the conditions of a gay and lavish social life existed, and it was a period of magnificent hospitality and merry-making. As a rule, the best cultivated intellects among the young men who thronged to this El Dorado were Whigs. The solid, industrious, and progressive men were Demo-

crats. I am not speaking with any reference to the merits of the two parties — only mentioning facts with a view to indicating social conditions and characteristics. These young men soon became leaders in the State, both socially and politically. Most of them have grown old and died, leaving their descendants to occupy prominent positions in the society and politics and business of to-day. It is with the people and places of the old South that this record is chiefly concerned. If I seem to dwell at too much length upon the generation that has passed away, it is because they were worthy to be held in remembrance for their virtues and high qualities, and because there are few now living who knew them well enough to portray them as they were. In the general history of the nation, individuals are merged and swallowed up, and in a little while only a vague tradition will remain of the strong men and noble women who found this country a wilderness, and left it a fair and smiling heritage. It well becomes those who have received an inheritance so noble to treasure up sacredly all that can be preserved of the history of these benefactors, and if I can rescue from oblivion any detail of their lives, my task will not have been in vain.

Of some of the older towns I have already spoken. Ripley, the court-house of Tippah County, was of more recent date, and as yet has only been alluded to incidentally. At the time I first knew

it, there was a population of about three or four hundred. Among these, however, there were many families of refinement and cultivation, and men whose reputation extended over the State. Mr. John W. Thompson lived there, a lawyer of brains and learning, and of unusual energy. When I resigned the office of district attorney, he was elected to succeed me. He conducted his prosecutions with great skill and vigor, and many a hard and long contest I had with him during his eight years of office. His keen eyes never overlooked a blunder in the defence, and I had to be wary indeed to escape him, especially as he had always the concluding argument. I look back even from this distance of time with some complacency upon the fact that he never succeeded in hanging one of my men, though it is but justice to say that he pressed me hard. He was repeatedly sent to the legislature, and was finally elected to the circuit court bench, which office he filled at the time our civil war broke out.

Another resident of Ripley was Mr. Nathaniel Price, a native of Virginia, and a most excellent gentleman and successful lawyer. He was a leading Democrat in his county, and enjoyed great personal influence there to the end of his life.

Captain Jackson was another prominent Ripley man. He was of Irish descent, and possessed in large measure the ardent temperament, vivid attachments, and fiery personal courage of his race.

He was small and delicate in person, with a large head and quick brain. In manner he was gentle and courteous, and his honor and honesty were never questioned. In spite of his Irish blood, he was no orator, but he delivered the facts and law of his case compactly, and with a clearness that could not be exceeded. He raised a company for the Mexican war, and made a part of the Second Regiment of Mississippi Volunteers, which I had the honor to command. In that relation my knowledge of him enlarged, and it is but justice to say that a nobler or more loyal soul never lived. After that war was ended, he received at the hands of Mr. Buchanan the appointment of chief justice of New Mexico. This post he held until Mississippi passed the ordinance of secession, upon which he resigned, and came home to take his part for weal or woe with the State of his adoption. That long agony ended in humiliation and defeat, he removed to Austin, Texas, where he still lives, honored and useful, and in the enjoyment of a handsome fortune, the reward of his own energy and prudence.

When Jackson formed his company for Mexico, one of his lieutenants was a young lawyer by the name of Faulkner, who had already given promise of the reputation he afterwards won. He was firm and courageous, and performed his whole duty while in service. In our civil war he raised and commanded a regiment, and did his duty nobly

until the surrender. Since that time, Colonel Faulkner has written several works of fiction which have given him prominence as a writer. He also conceived and carried out the idea of building a railroad from Ripley to Middleton, Tennessee, intersecting the Memphis and Charleston road at that point. Since then he has united this road to the Mississippi City railroad, and completed his end of the road to Pontotoc, and all by means of his personal influence, and skill as a financier. Beginning life without pecuniary resources, he has accomplished more than almost any man I have ever known.

Judge Green, the father of Judge J. A. Green, now of Corinth, resided in the immediate neighborhood of Ripley, devoting his whole energies to the management of a large planting interest. He was a man of superior intellect, and of great moral worth. I made his acquaintance on my first visit to Ripley, and received his most cordial support in my canvass for district attorney. The friendship begun at that early day continued unbroken until his death, which occurred since the close of our civil war.

Judge J. A. Green was a mere boy when I first knew him, and only began to take an active part in life about the beginning of the war. I found him at Houston, Mississippi, at the close of the war, engaged in the practice of the law. We formed a more intimate acquaintance at that time,

and our kindly relations have continued ever since. He rapidly advanced in professional reputation, and was made circuit judge of the judicial district including Corinth and Aberdeen, some time in 1878 or 1879. He held that office for six years, during which time he was certainly a most competent and efficient officer. Under the present administration — that of Mr. Cleveland — he was for three years in the Indian department. His home is now in Corinth.

Colonel William Inge also resides in Corinth. He was born in Alabama, but, his family coming to Aberdeen, he spent his boyhood in this place. Belonging to an old and wealthy family, his ancestors included men of intellect, and talent for oratory. Colonel Inge himself has very high reputation as a speaker and debater, and is a man of attractive social qualities. He has been speaker of the house of representatives in Mississippi, and in that position won golden opinions.

My old friend Russell O. Beane began the practice of law in Fulton, Mississippi, but afterwards removed to Corinth. I hardly know how to describe this good and powerful man, who managed to cover up under an indifferent and impassive exterior all sorts of shining qualities. To look at him and hear him talk upon ordinary matters, it would never be supposed that he had the ponderous intellect and great powers of an intellectual giant. He has confined his study chiefly to law,

caring little for history, poetry, or science. A man of keen practical sense and observation, the routine of business and the daily affairs of life are in themselves a perpetual education to him. In the management of a case, new and varied powers seem to spring into life ; he has method, pathos, and ardor, and in debate he follows Emerson's great rule, "Always keep your foot upon a fact."

I have already spoken of my friend William L. Duncan, whom I knew first as a resident of Pontotoc. He afterwards removed to Corinth, where he accumulated a large fortune. Being a man of fine intellect and untiring energy, he possessed a wonderful influence in his county, and was known to be warmly devoted to his personal friends. It was said of him that he would go through fire and water for a friend, and I found how true this description of him was, during an ardent personal friendship which existed between us to the day of his death.

I had in the county of Pontotoc another friend as fearless and devoted as Duncan himself. This was William Bell, a most extraordinary man. His nobility of nature as much as his great mind gave him immense personal influence. No man ever owed more to enthusiastic personal friendship than I have, and among these friends none were ever more devoted than these two. Duncan is dead, and I well believe that in the "many

mansions" up above, there has been found for him a big, broad, shining habitation where his lofty spirit finds space to expand itself, and his generous instincts have no limit less wide than eternity. Bell still lives in Pontotoc, as honored and beloved in his old age as his best friends could wish. May he long continue to lead his useful and honorable life, a model for those who come after him.

CHAPTER XIX.

IN the small town of Booneville there is now living one of the best men I know. Judge Boone is the son of Colonel Reuben Boone of Tishemingo County, and a direct descendant of the famous Boone of Kentucky. Judge Boone was promoted to the circuit court bench by Governor Alcorn, the first governor of Mississippi after the State was admitted to the Union after the war. He was severely criticised by a class of our people for accepting office under Alcorn. I approved cordially of his action, as it was far better for the country that our judiciary should be filled with men of his high qualifications. He possesses strong natural powers of mind, which have been well cultivated, and he made an admirable judge. His character is founded in honor and integrity, and he has a generosity and simplicity of nature that befits a descendant of the great pioneer. In the midst of the cultivation and refinement of a later civilization, it is possible to detect some strain of the rugged honesty and strength of that man who, in pure love of Nature, forsook the haunts of men and followed her into the recesses of her wildest solitudes.

I come now to a gentleman with whom I have had much pleasant personal intercourse, and for whom I conceived upon our first meeting a strong and lasting regard. This is Colonel J. A. Blair, now of Tupelo.

I met him first at Jacinto, where he began the practice of law a short time before our civil war. The science of physiognomy made no part in my early school education, but nature endowed me with an acute perception of mind and character as expressed in form and countenance, and a habit of close observation has confirmed what I may call a power of mind-reading. Few men can deceive me as to their mental or moral bias, if I have opportunity of observing them. In Colonel Blair's open countenance, even a child might read the goodness and honesty of his nature. In our first conversation, I was impressed by the clearness and vigor of his thought, and the modesty and dignity of his manner.

When I met him again, he was at home on furlough, having been severely wounded at the battle of Bull Run, where he commanded a regiment of infantry. In conversation with him he expressed the sickening horror he had felt in seeing the dead and wounded crushed and mangled under foot, and crying out for assistance which could not be rendered. His soul revolted at the sight of so much suffering, and he said he would be glad to know there would never be another battle. He

was, however, fully determined to cast in his lot with his comrades so long as the unnatural strife between brother and brother continued, although opposed to it upon principle. If he loved peace, he did not fear war, and his heart was loyal to his State, even while his intellect doubted the wisdom of her action. In this equipoise of his mental and moral nature lies his greatest strength. In all things he seems to have the faculty of thinking profoundly and feeling justly. There is nothing visionary or speculative in his mode of thought, or fanciful and ornate in his mode of expression. He gives labor and care to the preparation of his cases, and delivers his arguments with force and dignity. His style is fluent and lucid, and his manner always pleasing.

Immediately after the restoration of Mississippi to her national existence, Colonel Blair was elected district attorney. He held this office with credit for four years, and during that time I had abundant opportunity to test the metal he was made of. I always found it give out the true ring. Although vigorous in his prosecutions, they never degenerated into persecutions. He recognized the great truth that he was placed in office to defend the peace and majesty of the State, and to deal out justice to those who had outraged law and order. At the same time he was too fair-minded to use any tricks against a fellow-creature in jeopardy of his life, and too magnanimous to strain law and

evidence to bring about a conviction for his own aggrandizement. While he did his whole duty to the State, he never forgot the far higher obligations which he owed to his own soul and to the soul of the prisoner at the bar. I have seen trials for murder, where the prosecuting attorneys were more like wild beasts thirsting for blood, than like Christian men seeking to carry out with fairness and moderation the great ends of a court of justice.

Before leaving this part of the State, I must mention another good man and true, that loyal gentleman, Arthur E. Reynolds.

He was one of those who, beginning without advantages of fortune or family, attain eminent success by pure pluck and common-sense, united to great fidelity of character. No man ever knew Arthur Reynolds to desert a friend, and he had a capacity for gratitude that showed the generosity of his nature. Performing countless acts of kindness himself, and forgetting them forthwith, the smallest kindness extended to him struck deep root in his memory, and excited the most fervent and lasting good-will. As an illustration of his susceptibility to grateful emotions, I give one incident of our long friendship.

It had happened that, in his early life, when he first settled in Jacinto, an opportunity occurred when I was able to be of some small service to him without his knowledge at the time. This he

afterwards discovered, and remembered with the peculiar tenacity and what I may call magnifying power of his memory on such occasions. Always warmly my friend, he rendered me service after service in after life, and was of the greatest benefit to me in every possible way. He was a Whig, and upon one occasion the Whigs had a majority of one vote in the senate of Mississippi. This enabled them to elect all the officers of the senate. A Democratic friend of mine, whose interest I had much at heart, was a candidate for one of these offices. Knowing that his election was impossible without one Whig vote, he came to me to ask if I had any influence which would enable him to obtain that vote. I wrote a note to Arthur Reynolds with only these words: "I check upon you for your vote in favor of my friend —, and I am sure my check will not be dishonored." The voting began on Monday, and Reynolds had not yet arrived in Jackson. All day, Monday, the vote stood a tie. It was known that Reynolds would reach the capital at ten o'clock next morning on the Vicksburg train. When the whistle was heard, the Whigs felt all the confidence of an assured success. Parties even went out to the gate of the capitol grounds to hasten his coming. The Whigs shouted as he entered, but my friend placed a note in his hand before he could vote. Reynolds read the paper, and, turning to my friend, said, "A draft from that quarter will never be dishon-

ored at my hands." All the influence of the party was employed in vain, and to the dismay of the Whigs their candidate was defeated.

Both Corinth and Tupelo were made memorable during the civil war by the stirring scenes which took place in their vicinity.

At Harrisburg near Tupelo, General Smith was strongly intrenched, with fifteen thousand Federal troops and some five pieces of cannon. Against them General S. D. Lee and General Forest led seven thousand badly equipped volunteers. It was a superb charge, worthy of those gallant leaders, and the shock of battle was appalling. For an hour victory trembled in the balance, but the strong position chosen by General Smith was well defended by the gallant men under his command, and the Confederates were repulsed with great loss. Many a brave man who could ill be spared by his country laid down his life that day.

Tupelo is now a thriving place, with great expectations of sharing the progress of this age of progression. She can boast of able men among her citizens, besides those already mentioned. There is Clayton, whose people I knew when he was a small boy, honorable and agreeable people. Clayton has been a hard student, and has worked his way to an excellent place in his profession. He is not brilliant as a speaker, but always able and effective.

General Finley is a man of many remarkable

qualities. His present high position is due solely to his own efforts and talents, as he was not one of those born with the silver spoon in his mouth. He is a most able and successful lawyer, and made one of the best district attorneys I ever knew. I was perhaps wrong in saying that he owed it entirely to himself that his life has been so prosperous and successful. He had the good luck to marry early in life a noble and refined woman, and I do not doubt that his good wife added largely to his advancement. She is the daughter of Edward Thomas, a friend of my youth, and who, like myself, has attained a great age.

It would be impossible to write of Tupelo without mention of Private John Allan, who at this present writing represents this district in Congress. He is a man so well known and so famous for wit and anecdote, as well as for ability, that description of him is useless. His good qualities are numerous, and he is perhaps the most entertaining man in the State. He and I have had many a battle in one way and another, and have both given and taken not a few hard blows in our time. I do not think, however, that he feels resentment in this case any more than I can do, or that there is malice enough between us to make up one good grudge.

Coming down the road, we find in Okolona men who have taken prominent part in the affairs of this section. Carlisle, from South Carolina, was a

man full of spirit and dash. He was a well-informed lawyer when I knew him first, and by constant labor added to his reputation. He debated well, and his style of speaking was pleasing and even elegant. Although his manner was marked by a studied courtesy, he was a man of violent and aggressive temper, and his premature death was the result of a shooting affray brought about by his attack.

Okolona has been fruitful in tragedies. General Tucker was a Virginian by birth. He settled at Okolona at an early day, taking charge of a school, and at the same time studying law. He was a finely educated man, and had very cordial and pleasing manners when not excited or out of humor. In temper he was hot and impatient, and disposed to be aggressive upon little provocation. When he came to the bar, he rapidly acquired high position. His powers of logic and analysis were not great, but he presented facts forcibly, and drew deductions clearly. He spoke well and fluently, and his invective was severe. His reputation for honor and reliability was never questioned. When civil war broke out, the tap of the first drum called him into the field. He raised a company, and went to the army. At the reconstruction of the army in 1862 he was made colonel, and afterwards was promoted to the rank of brigadier-general for gallantry in action. He was severely wounded on the line between Dalton and Atlanta,

and left one arm on the field. It was said that in battle his daring amounted to recklessness. After the war, he resumed his profession as the only means of support for his large family, and immediately went into a good practice. In the midst of a gradually increasing prosperity, a tragic fate overtook him suddenly and without warning. Going home one night tired, he lay down upon a bed near an open window. Some base assassin crept up in the darkness outside and shot him dead. No other person chanced to be in the room, although his family were all in the house, and the murderer escaped undiscovered. Great efforts were made to unravel the mystery, but up to this time no clue has been found.

General Tucker was a man whose good qualities I appreciated and admired, but he was never one of my friends.

For many years Okolona was the residence of A. S. Harper. He was educated at Oxford, Miss., and took the highest honors there. He debates legal questions with great ability, and has the gift of polished oratory. Always a hard student, he is deeply learned in the law. He is a man of ardent and impetuous nature, strongly attached to his friends, and very frank in his enmities. His home is now in Birmingham, Ala.

Still another prominent citizen of Okolona has been carried by the strong current of the great boom to Birmingham, — Mr. Robert McIntosh, a

native of Chickasaw County. His father was a man of large fortune, and he received every advantage of education. After leaving college, he read law under favorable circumstances. His genial and hearty manners have made friends for him wherever he went, and he for a long time controlled a large practice in Chickasaw. He married into the family of Mr. Tom Buchanan, one of the largest and wealthiest planters in Chickasaw. Some years ago McIntosh removed to Meridian, and from thence to his present home in Alabama.

Houston, the county-seat of Chickasaw, was for years the residence of three of the most prominent men in the State, — Winfield Scott Featherston, Cyrus B. Baldwin, and J. A. Orr. Featherston and Baldwin settled in Houston at a very early day, when both were quite young fellows, and just beginning the practice of law. Both of these men were close students, and had great powers of debate.

Baldwin was a Virginian, brother to the author of "*Flush Times of Alabama and Mississippi*." He was not elegant in speech, lacked the voice and manner of an orator, but he had great mental gifts, and his reasoning was so clear that it might be called luminous. No man was more effective before a court, and his practice was large and lucrative. He had little ambition, and used no arts to increase his popularity, which was immense. Everybody loved Baldwin, everybody had bound-

less confidence in him, and his untimely death in the army was universally regretted. He was gifted with a nature so singularly sweet, and a temper so placid, that he was able for years to manage a large and varied practice without a single conflict or animosity. In politics he was a consistent Whig, and his influence was extensive, though from his order of mind and quality of temper it was impossible for him to be a partisan. Even politics, "that destroyer of friendships," could not ruffle the exquisite gentleness of his temper, or destroy the equipoise of his well-balanced mind. I had the honor of an unbroken friendship of many years with this gentleman of many virtues and no faults. He used often to remark that I was the only Democrat for whom he had ever voted, and I am glad to remember that from pure personal friendship he always sustained me against any opponent. His entering the army was the one great mistake of his life, and it was a fatal one, as he died a few months thereafter. He was himself so conscious of his unfitness for military life that he would accept no office higher than lieutenant, giving as a reason that he possessed no one quality of a soldier except mere personal courage, and only went into the war because he had been prominent in urging the right and duty of secession. His health, never strong, broke down at the first exposure, and he died before he could accomplish his effort to be carried home.

General Featherston belonged to a Georgia family of fortune and influence. He took a prominent part in the war, and afterwards removed to Holly Springs, where he enjoyed large practice, and was always a leading man.

Judge Orr was quite a young man when I first knew him. His father removed to Pontotoc County at an early day, and accumulated large property there. His brother, Hon. James L. Orr, was first governor of South Carolina, then speaker of the House of Representatives in Congress, and afterwards sent to Russia as minister, where he died. Judge Orr was colonel of a Mississippi regiment during the war, and afterwards elected to the Confederate Congress. When peace was restored, he settled in Columbus, where he still resides engaged in the active practice of the law. He has always been a man of great labor, and has added legal learning to his naturally fine ability. He is an able debater and speaks forcibly. Socially, he is a man of pleasing address, and unusual aptitude for adapting himself to any circle in which he happens to be thrown. It may be said of him that he has succeeded in many departments of life.

Just at this period Judge Orr is much engrossed with the scheme of a railroad from Tuscaloosa to Memphis, *via* Columbus. He has been the heart and soul of this project, of which the success seems now highly probable. If it is carried through, it will be largely owing to his zeal and energy.

CHAPTER XX.

WHILE these years were passing, agriculture, under our organized system of labor, reached a degree of prosperity never before known in any country. The lands of the south were like the valleys described by King David, when he boasted that they were very plenteous, and so thick with abundant harvests that they should "laugh and sing." Farms were arranged in the most systematic way, and the cultivation was so complete that the soil yielded to its full capacity.

Credit being universal, large transactions could be undertaken, and fortunes quickly made by speculation.

It cannot be denied that it is impossible for any country to grow rapidly and become wealthy without a generous system of credit. There must be bold and adventurous business men to develop the resources of a country, and such men must be stimulated by the magnificence of large transactions.

In times of unlimited credit, industries of every kind flourish, and when industries flourish, professions increase in rank and opulence. A gentleman remarked to me a few days ago upon the fact

that no lawyer grows rich in a purely agricultural country. I replied no, nor in any commercial country where the cash system prevails. I venture to say, in defiance of possible contradiction, that no country ever rose to eminence where there was not a national system of credit.

Soloman has made the wise remark that the "destruction of the poor is their poverty." If the patriarch had lived in the cotton States he need not have been inspired to find that out. Job lived in a pastoral country where great flocks and herds supplied abundantly the simple wants of a primitive people. He also dwelt under the burning skies of Syria, where the shepherd needed only to wrap his mantle about him, and the blazing stars of a Chaldean night watched his peaceful slumbers. And yet even there we are told that the poor were destroyed by their poverty! With us the laborer must provide a dwelling for his family; he must purchase from week to week food for his household and for his domestic animals. Clothing must be provided, and fuel, and often medicine and medical attendance. These expenses recur from week to week, and from day to day, and to produce cotton he must labor from the first of January until the last of December. In all these twelve months, only once does he realize money from his cotton. If he has means to support himself until harvest, all goes well. But very many are not so provided. They must subsist

while the crop is being made. Having no credit, they must mortgage and pay exorbitant interest. Dragging on from year to year, all is swallowed up, and the poor, in spite of hard work and scanty food, of rising early and lying down late and eating the bread of sorrow, is at last destroyed by his poverty.

Of what avail is our boasted civilization, if year by year the struggle for existence among the laboring classes gets harder, and the conditions of their lives more bitter? Their prosperity and contentment lie at the root of all enduring national life or stability of government. The schoolmaster has been abroad too long for apathy or submission under grinding evils. "He that plougheth must plough in hope," and woe betide that land where the furrows are watered by the tears of a strong man's despair!

To return to 1843, I must resume the narrative of events which followed the election of General A. G. Brown to the office of governor. This election settled the fate of the Union Bank bonds. It destroyed the credit of the State in the money markets of the world, and that proved a blessing to us. Otherwise we should have found ourselves at the end of the civil war, like all the other Southern States, burdened with a heavy debt which must have crushed our impoverished people in their efforts to pay it.

The winter of 1843 and 1844 was one of unex-

amplified wealth and progress. Public and private enterprises flourished, and the whole State seemed to bask in sunshine and cheerfulness. All the comforts of life abounded; we had no poor, in the sense of suffering want. The negroes were well clothed and well fed, and were apparently the happiest class of laborers in the world. They had no cares and many pleasures, and the instincts of generations of servitude enabled them to find content in a condition which would have been intolerable to a race in whose veins ran the blood of freemen.

The legislature met in January, and Brown was inaugurated. Many circumstances conspired to render this an occasion of more than usual brilliancy. The ceremonies were made as imposing as possible, and Jackson was thronged with visitors from all parts of the State. Whig and Democrat vied with each other in adding to the gayety and splendor of the festivities in honor of the event, and I never witnessed a season of more delightful hospitality and enjoyment. The governor held a great reception at the mansion, which was considered the most elegant which had ever taken place there. These rejoicings were like a truce between two armies, during which the soldiers on each side laid down their arms and mingled freely in feast and dance. The truce ended, both great parties sprang to arms and began to prepare for conflict in the approaching presidential election of the year 1844.

Both Whigs and Democrats held their conventions in Jackson. The best orators in the State were present, and there were displays of genius long to be remembered. The great Joseph Holt led the Democrats, and Prentiss carried the banner of the Whigs. Each party was proud of its champion, and boasted of success as if already achieved. In addition to their leaders, each side mustered a gallant array of speakers trained in many closely contested elections.

The Democrats nominated James K. Polk, of Tennessee. Henry Clay was the choice of the Whigs.

Polk had been a member of Congress for many years, and once governor of Tennessee. In his second year he was opposed by James C. Jones, one of the most remarkable men this country has ever known. Like all new men, he burst upon the public like a meteor, and before his transient glory had time to pale he made the success of his life, being elected by a handsome majority. He had no strength of argument, or even of imagination. His success was due wholly to a limpid stream of prettily-sounding words, to high-flown metaphor, and a happy faculty of telling amusing anecdotes.

Polk had himself excelled in anecdote in his former campaigns, but Jones proved so much more successful in the art of tickling the fancy of a crowd that Polk abandoned that line altogether,

and adopted the gravest and most serious style of discussion.

He was now about to encounter the immortal Harry of the West, and it seemed like a combat between a giant and a pigmy. Clay's letter of acceptance embodied his old American system, without modification or enlargement. On the contrary, Polk's letter was simply a declaration of hostility to the affirmative measures of the Whig party, that is to say, opposition to the United States Bank; opposition to the power of the general government to carry on improvements of any description within the limits of a State; and hostility to a protective tariff. Clay

It will be seen from this that the Whig party had a policy as a basis of governmental action, while the opposition party affirmed nothing whatever. It contented itself with simple negation.

The ablest men in the State were taking the stump in support of one side or the other, and the excitement of debate grew hotter and more hot.

Feeling, naturally, a fervid interest not only in the result but in the progress of this animating contest, I was often present on the great field-days when both sides brought out their strength. On one of these occasions the debate was between General H. S. Foote and Judge Guion. Now, as I have already said, we had more able debaters than Foote, but as an entertaining and effective stump-speaker he had no superior.

Guion was his opposite in all the qualities of an orator. His mind was drilled to accurate and powerful debate, full of information, deliberate and cool, and always ready for attack or defence. Knowing well that Foote's fiery torrent of fierce invective and brilliant declamation could not be responded to, he adopted the Socratic method, and by his calm interrogation drove Foote to the wall. For instance, he would say, "General Foote, how do you propose to collect revenue for the support of government? I await your reply." Foote laughed and shrugged his shoulders, as he had a habit of doing. "I demand an answer, General Foote; you shall not evade me." "The tariff, sir." "Ah, the tariff, General Foote; we agree, sir. Now do you propose any protection to the industries of your country?" "Yes." "Then what, and in what manner?" "Incidental protection such as the tariff gives." "Ah, behold we agree again. You are for protecting the industries of the nation, and so am I. Now what can be the point of controversy which you have elaborated with so much expenditure of unreasoning rhetoric?"

"Ah," said Foote, "it is true that we do seem to be together upon some questions, but I am in favor of running this government upon principles of the most rigid economy." "Well," replied Guion, "so am I; and this being the case, all your beautiful display of oratory is pure buncombe, sir."

Looking at the issues of a later date, I may be forgiven if I suggest that nearly half a century has not produced any material change in the opposition of men as partisans while they agree as individuals. Both parties now, in 1888, are in favor of United States banks. Both are for internal improvement by the general government within the limit of the States. Both are in favor of a tariff for revenue and for protection. Therefore the controversy must be for office and for office only, and yet the people are stark mad about party.

In this canvass of 1844, the Hon. Jefferson Davis was one of the electors, and he won new laurels wherever he appeared. He had been unknown as either speaker or politician until the discussion of the Union Bank bonds with Mr. Prentiss in 1843, but from that time it was clearly seen that he was destined to play no small part in the history of his country. There had been a meeting of the Democratic convention to appoint electors. Davis was a delegate to that convention and made an address. The address was so brilliant and replete with information that upon its conclusion the convention rose to its feet and nominated him by acclamation for district elector.

General Foote had been nominated as elector for the State at large, and when the canvass began in the summer, Davis and Foote travelled together and made joint speeches. Very often,

some Whig speaker demanded a joint discussion, and when this happened, either one or the other accepted the challenge. Rarely has there been heard such a plenitude of elaborate and ingenious argument, and such an outpouring of the "golden gift of words." The great audiences were in a transport of delighted enthusiasm, and the only danger was of being like the man spoken of by the Greek poet, "always the possession of the last speaker."

For the purpose of massing the people of a county at a given point, great barbecues were had, and after Davis and Foote had spoken, local orators would harangue the crowd. These discussions would include the very structure of our government, and all important measures of policy which had been proposed by either party since the foundation of our national existence.

The main speakers were expected to be familiar with the history and facts of every subject alluded to, and to furnish the people with full and clear information. These discussions were, in fact, a sort of political school, wherein lectures were delivered for the education of the masses. In this way our people were informed of the principles of government to a wonderful extent, and fitted for the freedom they enjoyed, and taught to watch with jealous scrutiny any infringement of that Constitution which they regarded as the stronghold of their liberties.

Government is a complex science, and with many complications difficult to understand. The schools cannot teach its mysteries, or make plain its necessities. A higher order of training is required — the training arising from a combination of theory and practice. Like a complicated piece of machinery, it is necessary either to witness its operations, or to receive the instruction of one who has witnessed it, and who has the ability to explain its workings so simply and clearly that a practical workingman can understand it. Forty years ago, constant practice had made our public speakers so skilful in debate that every question was made clear even to men otherwise uneducated.

For the last twenty years this practical union between politicians and people has not existed. Only one party is allowed to speak, and the leaders of that party no longer debate, they simply declaim and denounce. Upon this crude and windy diet, the once robust and sturdy political convictions of our people have dwindled into leanness and decay. In my judgment, this state of affairs is fatally injurious to our institutions, and dangerous to our liberties. The people follow with confidence the misleading and uncontradicted assertions of their leaders, and act upon false impressions, to their own prejudice and the injury of the common good. The evil of mischievous assertion is greatly lessened when free discussion is allowed, and error exposed and combated by the unsparing vigor of

an opposing party. Free government becomes an absurdity when all shades of opinion are not allowed the fullest expression.

The first public meeting addressed by Davis and Foote which I attended was at Holly Springs. A big barbecue had been appointed at Davis' Mills, immediately on the line dividing Tennessee and Mississippi. Preparations were made for an immense gathering, and the multitude exceeded expectation. This barbecue was gotten up in reference to an appointment Davis and Foote had made to address the people at Holly Springs the day after. Many speakers from both Tennessee and Mississippi, and prominent citizens on each side of the line, were invited to attend. I had the honor to be included among the invited guests. I reached Holly Springs in time to hear the discussion, and was then introduced to Mr. Davis, whom I there met for the first time. General Foote made the opening speech, and in all respects sustained his great reputation. When he concluded, Davis took the stand. I remember thinking as he made his salutation that there was nothing particularly imposing in his appearance or manner. But from the moment he began to speak, with all the ease and eloquence of which he was so consummately master, he seemed to expand and etherealize into the very spirit of oratory. It was a delight to listen to his soft and mellow utterances, his lucid argument, and poetic fancy. Dignified and com-

manding, soft and persuasive, his speech was from beginning to end a finished piece of logic and oratory. He sat down amid rapturous applause.

The next day, Holly Springs went *en masse* to the barbecue at Davis' Mills — a distance of about fifteen miles. The assemblage was very great. General Foote opened with the most effective speech I ever heard him make. His peculiar powers fitted him preëminently for such occasions. His object was to depreciate the correctness of the affirmative principles of the Whigs, and for this purpose denunciation and ridicule were the weapons to be used before a large and excited multitude. All the emotions of his auditors seemed to rouse at his touch, and applause rolled up in great waves like a swelling sea. Davis followed, every man present entranced by his words. Many others made short addresses to amuse, not to convince. Besides the fervor of political excitement, these were occasions of great social enjoyment and festivity. For miles around the appointed place, and for weeks before the appointed time, the notable housekeepers of the land were busy in preparing food for the multitude. The long tables groaned under the weight of substantial viands and tempting dainties, and the good ladies heaped the plates for every guest. Lads and lasses came out to enjoy the frolic, and even children were brought to see the great men of the day, and to add to the bustle and noise and merri-

ment of the grand holiday. There were negroes in abundance, of course, and perhaps even their masters failed to get more fun out of the occasion. In every neighborhood there were always certain old negro cooks who had special secrets in the management of barbecued meats, and these were always installed chiefs of that department. Besides these there were coachmen with their horses, maids in attendance upon "ole mistis" and the young ladies, "boys" waiting on master, nurses with the children, and pickaninnies by the score, to see what was going on, and to be in everybody's way as much as possible. Only those who can remember the old South in its glory can have an adequate idea of a big barbecue in 1844. Arrangements had been made for a barbecue at Aberdeen, to follow an appointment at Pontotoc. I returned home to Aberdeen in company with Mr. Davis and General Foote; and, stopping at Pontotoc, we enjoyed a discussion between Foote and General Alexander Bradford. I don't think I ever enjoyed anything more.

General Bradford was a man of generous personality, big, bold, and brave; his vanity was excessive, but of a large and magnificent quality, and he commanded the respect even of those who sometimes laughed at his foibles. He spoke well that day, but was entirely without humor, and in his severe and incisive style dealt some heavy personal blows at General Foote. When Foote took

the stand, he assumed his most courtly, kind, and affable manner, but all the while the lash of his satire descended, and every stroke was received with perfect yells and shouts of laughter. Bradford at last became furious. He could not use Foote's weapons of satire and fun, but he knew perfectly how to maintain his own dignity, and could crush ridicule like the gallant gentleman he always proved himself. He rose calmly, and said in a stately and determined manner, "General Foote, you must make your choice this moment. Either confine your remarks to the subject in discussion, or stop instantly." Foote appreciated the situation. Everybody knew that Bradford meant exactly what he said, and Foote, changing his tone, made one grand flight of eloquence and closed his address.

At Aberdeen both barbecue and discussion were joint, and both parties endeavored to make the occasion as grand as possible. My old friend Coopwood opened the discussion. He began by saying that he was the little David coming out with his sling to encounter the mighty Goliath. Unfortunately for Coopwood the analogy did not hold good to the end. David's little sling proved but a paltry weapon, and the giants had it all their own way.

They canvassed the entire State, and in all that long campaign Foote met with but one disaster, that of his encounter with Guion. Davis went

serenely on, far above attack or criticism, wherever he appeared. It was largely due to this able canvass that the electoral vote of the State was cast for James K. Polk of Tennessee. In the preceding presidential contest, Mississippi had gone largely for Tippecanoe and Tyler.

In this campaign it was known that the Democrats could not succeed without the vote of Pennsylvania, and the vote of Pennsylvania could not be carried without a platform of protection. Mr. Polk therefore, in his letter of acceptance, gave such a version to his policy of incidental protection as to make it out-Herod Herod, and by that construction obtained the vote of that great State, and was elected.

CHAPTER XXI.

IN spite of the intense political excitement of that year, in which I fully shared, my professional duties so absorbed my time that I took little part in anything else. I had reason to believe that the time was near at hand when the accumulations from my past labor would enable me to quit the profession as an engrossing pursuit, and I now began to devote my few hours of leisure to the study of history and general literature. During the years of 1845 and 1846, I withdrew myself as much as possible from outside distractions to accomplish this purpose.

The term of governor was at that time only two years, so that it was necessary to elect again in November, 1845.

The Democratic party held its convention in January of that year, and Brown was renominated as governor. Francis M. Rogers and several others became candidates for the office of circuit judge, made vacant by the nomination of Adams for Congress.

The election of governor and members of Congress went pretty much by default, but the race for circuit judge was exciting. Rogers was a Whig,

and his two opponents were Democrats. There was a large Democratic majority in the district, but politics never made any factor in judicial elections. It was very common to hear Democrats say, "We have all the political offices, and the Whigs ought to have something." As a general rule, Whigs filled the judicial department. There were no individual prejudices on account of party. I know that my best friends and daily associates were Whigs. Personal relations always influenced my vote in judicial elections. And for Frank Rogers I would have gone to the world's end at any time, and thought nothing of it. Of my intimate friend Frank Rogers I can paint no picture that would do him justice. He was a noble, large-hearted generous fellow, and I loved him more like a brother than a friend. The world has been poorer to me since a Northern bullet cut the outward link which bound that genial spirit to his friends here below.

I remember one incident which made a great impression both upon Rogers and myself, and which illustrates the tenderness of his nature.

In those days we travelled from court to court in our buggies, and Rogers and I were so constantly together in those journeys that if one drove up to an accustomed stopping-place before the other was in sight, the question was always asked what had become of the other.

One cold day in autumn we were on our way to

Fulton, Itawamba County. It was growing late, and we were still some miles from Fulton, when I saw Rogers, who was a little in advance, throw the reins to his man and jump out of the buggy. Before I could do the same, I heard him calling me in an excited manner. When I got to him, he said, "Davis, for God's sake, look at that," and pointed to a young woman carrying a bundle and holding a little boy by the hand. They had apparently sunk exhausted by the roadside. The woman was thinly clad and looked weak and sickly, besides being bruised and marked as if from severe beating.

Such sights were almost unknown in the South then. I don't believe either Rogers or I had ever before seen just such a sad spectacle in our own country.

The woman said her husband had beaten her, and turned her out of doors, and she was trying to make her way to her own people in the northern part of the State. She found it hard to walk, she said, and opening her bundle, showed us a tiny baby only a few days old. At this Rogers looked almost wild, and I confess that my own sensations were queer. Human emotion is often complex. To pity the woman was to get into a rage against the brute of a husband; and if he had suddenly appeared at that moment, it might have gone badly with him.

Lord, Lord, but it is a mystery how a man carries the past in his memory! Talk of the day

when the judgment books unfold! We carry the books in our consciousness, and one flash of association can illuminate their records with the light of long ago.

If that baby is alive now, it is more than forty years old, and yet I can see as if it happened yesterday: the red light of a cold sunset streaming over the destitute creatures resting on the roadside, and Rogers standing over them, his kind face all aglow with pity and indignation.

Well, we picked them all up, and carried them to Fulton as best we could. There the good landlady took charge of them until morning, when we could send them on to their own people. We never heard of them again, but many times afterwards Rogers has said to me, "Davis, do you remember that woman on the Fulton road? That brute of a husband ought surely to be damned in the next world. I hope he *will* be damned, don't you?"

In the contest for judge, Rogers was elected by a handsome majority, and he made one of the best judges we have ever had in Mississippi. He was not a very learned lawyer, but he had the strongest common sense, and such clear conceptions of justice and fairness that he seldom failed to discover which side was in the right, and to make that the basis of his decision. It may be said that he decided as if by an instinct of honest judgment. His decisions were rarely reversed. Even when,

as occasionally happened, the technical rule of law had not been observed, the supreme court ruled that such exact justice had been administered that it would be unwise to disturb the decision. I have known many men of more varied and showy talents, but for wisdom and goodness and firmness, and all the qualities of a well-balanced mind, I have never known his superior.

Before I close these recollections of Frank Rogers, I may permit myself the pleasure of adding that he left two children,—one of them a daughter, now Mrs. Eugene O. Sykes, of this place. It seems to be a principle of heredity that strong resemblances generally descend from the father through a female line, and this dear young lady is so much like her father in appearance and voice and manner, that it gives me positive pleasure only to pass her on the street. Not long ago I had the honor of an introduction to a young gentleman still in petticoats, who bears his grandfather's honored name; and the best wish I can make for this grandson of my old comrade is that he may inherit the qualities which endeared that name to a wide circle for many years.

In this same year, 1845, a murder was committed near Fulton, in which some singular facts came out, and the trial excited an unusual degree of interest.

I was retained to defend the man, whose name was Scaggs. Like Uriah the Hittite, he was a very

poor man, and had a wife who was exceedingly beautiful. He also resembled the unlucky Hittite in having a rich and treacherous neighbor, who wished to rob him of his one cherished possession. It chanced that this wealthy libertine was candidate for some small office, and Scaggs, who was warmly his friend, exerted himself to forward his interests. With this object he had promised to leave home on the day of election, and remain at a certain precinct for his benefit. At that time he had no suspicion that his false friend wanted to get him out of the way. Two days before the day appointed for the election, the man took advantage of some opportunity to approach Mrs. Scaggs, and was indignantly repulsed. Personal violence was threatened—the woman became alarmed, and when her husband returned home, told him all about it.

On the morning of the election, instead of going off, as agreed upon, Scaggs remained in a field near his house. A warrant had been obtained against the persecutor the day before, but was not executed. At ten o'clock he went back to his little dwelling, which was built with only one door. In that door stood the man he dreaded, grasping the door-frame on either hand, and thus effectually barring the only one way of egress from within. Scaggs approached near enough to hear threats against his wife if she continued her resistance, when, seizing his axe, he drove it into the man's

back. Though badly wounded, the man got under the bed and tried to save himself. There were marks of a struggle, and of the bedding being pulled away, and the axe driven into the head of the miserable wretch beneath.

Scaggs then took his wife and two children, and started for the house of his father-in-law, a distance of two miles and a half. On the road they met a Mr. Bennett, who made some friendly greeting. Scaggs told him he was not well, adding, "I have just killed Mr. A. B." Bennett did not believe him, but Scaggs showed his bloody hands, and said, "You will find him on the floor in my house."

At that time, under the laws of Mississippi, neither the defendant nor his wife could testify, and at the trial the judge allowed but two facts to get to the jury; to wit, that deceased was found dead in the house of Scaggs, and that Scaggs was seen leaving the house with bloody hands. I struggled to get in as evidence the warrant issued by a justice of the peace, which was founded upon the oath of the wife, and which showed that Scaggs had knowledge of dishonorable intentions and threats of violence against his wife; but the court would not permit me to read the affidavit in presence of the jury. I then tried to get before the jury what Scaggs had said to Bennett, as a part of the *res gestæ*, and this also was refused.

With this testimony, which was simply fatal, I

was forced to go to the jury. My argument was mainly supposition and implication, with now and then a dash, sweeping over the affidavit and warrant so rapidly that the court could not stop me. The judge would threaten me with fine and imprisonment. I would defy him, and so the long and severe controversy went on.

The jury brought into court a verdict of manslaughter, which was better than I had dared hope for. The court showed his animus against the prisoner by giving him a sentence of twenty years in the penitentiary, and by sarcastically advising him to come out of prison a better man.

I told him at the conclusion that he might have spared himself the trouble of such mockery, as my client was then forty-five years old, and the sentence was practically for life. I appealed to the supreme court, and in January, 1847, the court reversed the judgment, and remanded the case for further trial.

The reversal was what is called a scratch; that is, the result of an oversight on the part of the clerk of the court below in failing to enter upon the records the fact of presence of prisoner in court on one of the days of trial. The supreme court sustained the ruling of the circuit judge upon each of the points made on the trial, and thus left my client apparently in a worse condition than before. But when the case came on in the autumn of 1847, I was not without some grains

of secret hope, based upon my knowledge of the community from which my jury must be drawn. Since the last hearing of the cause, a great sympathy had grown up for the prisoner throughout the country, and the belief strengthened that both he and his wife had been hardly dealt with. It began to be whispered that a poor man must no longer dare to defend the honor of his family, when the aggressor was a man of wealth and position. Great crowds came to witness the trial, and I soon felt satisfied that it would be my own fault if I failed to carry the crowd with me.

After a long battle with the court, I was allowed to read the affidavit of Mrs. Scaggs and the warrant. We then introduced witnesses to prove that relations of an unusually friendly character had existed for a long while between the deceased and the defendant, and had not been broken until two days before the killing. We then announced that the testimony for the defence was closed. Colonel Lindesay made an exhaustive argument in the prosecution. In my reply I argued that the tortured mind of a man exposed to an injury so horrible was incapable of deliberation; that anger was a brief madness, and under its influence violent deeds might be committed without malice and almost without consciousness. I appealed to the jury to say what impulse would master them under like circumstances, and in short, played upon their imaginations and sympathies to the best of my

ability. The result showed that I had not been mistaken in my estimate of the temper of the people. In twenty minutes the jury returned with a verdict of not guilty.

CHAPTER XXII.

THE admission of Texas as a State of the Union had been made a prominent question in the canvass of 1844, and Polk's administration was committed to it. This subject was brought forward in the Congress of 1845 and 1846, and the indications of war with Mexico became so threatening that General Taylor, who had a small force in the neighborhood of San Antonio, was ordered to the Rio Grande. On reaching the Colorado River, he was confronted with a Mexican force. Taylor did not hesitate, but ordered his men forward. The river was more than waist-deep, and the men lingered for a moment. A follower of the camp—a woman well known under the sobriquet of the Great Western—plunged into the water, and called the men to follow where she led. They pressed forward with great enthusiasm, and the enemy retired without a shot.

A few days thereafter the battles of Palo Alto and Resaca de la Palma were fought. Blood was shed, and Congress passed a resolution recognizing the existence of war between the two nations. That first report of a gun on the battlefield of Palo Alto went echoing along over hill

and valley, mountain and river, until it resounded through the republic, and the call to arms was heard in every hamlet. No State was more prompt to respond than Mississippi. Military appointments were asked for, and volunteer companies tendered. John A. Quitman was made brigadier-general, and a regiment was called for. It was soon raised, and assembled at the appointed rendezvous of Vicksburg.

Jefferson Davis was then a member of Congress, but had promised to serve as colonel of a regiment whenever elected. It was known that he had graduated at West Point, and had seen some service in the West during the Black Hawk war. At the same election that made him colonel of the First Mississippi Regiment, A. K. McClung was made lieutenant-colonel, and Alexander Bradford major.

No new troops were better officered, and the regiment went to the field as gayly as if they had been called to a dance. The field-officers were already widely known. The company officers and privates were citizens drawn from the various vocations of a prosperous people. They were from every part of the State. It would be an act of supererogation to say more of Ex-President Davis than I have already said. No eulogy of mine could reach the exalted place he now holds.

The peculiar personal qualities of General Brad-

ford have been already mentioned. These qualities fitted him not only to shine in active service, but to enjoy it with the keenest delight. All the pomp and circumstance of war gave him the purest enjoyment, and he had the high personal courage that caused him to love danger for its own sake. One whimsical illustration of his peculiar enthusiasm occurred at the battle of Buena Vista.

Colonel McClung had been wounded in the memorable charge made by the First Mississippi Regiment in storming the fortifications around Monterey. Colonel Davis had already received a wound at Buena Vista; and Bradford, although charging and encouraging his men all along the line with the most reckless bravery, was unwounded. It is the only case I ever heard of where a man was absolutely heart-broken because a bullet failed to hit him. Eye-witnesses reported that he actually charged up and down the line, waving his arms in the air, and exclaiming, "My God, can't one bullet hit me?"

In all this he was perfectly honest, and it is an actual fact that for the rest of his life his spirit was wounded because his body was whole. He always confessed that he never recovered from the disappointment of that day.

Colonel McClung was a man whose fate it has been to be much talked of and little known. It has often amazed me to hear him spoken of in terms that showed how little his real character has

been understood. His personal appearance was singularly noble and impressive. McClung was an athlete, tall and symmetrical, perfectly and powerfully formed. His fine head was covered with a profusion of curly auburn hair. He belonged to the most intellectual families of Kentucky, the Marshalls, Breckenridges, etc. His courage was magnificent, but his general manner indicated only gentleness and courtesy. That he could be absolute upon occasion was well known. To his friends, he was always the same — kind, generous, and devoted. I knew him for twenty years, and had, at intervals, much intercourse with him, and he always showed attachment for me. I remember one instance of this, which at the time amused me not a little.

It was in 1841, when I happened to be in Washington. McClung called to see me as soon as I arrived, and asked me if I wanted office from President Harrison, and if he could serve me. I told him my business was in the supreme court, and was already accomplished. He then invited me to go with him to the theatre that night, and see Booth in his favorite character of "Richard the Third." We were, however, disappointed, as Booth was so much under the influence of liquor that he could not appear, and the audience was dismissed. It had been agreed between us that when the performance was over I should return to the hotel without McClung, who had some en-

gement elsewhere. When the audience was unexpectedly dismissed, I left the theatre, and, taking a hack, went back to the hotel.

Next morning I met McClung, and he immediately reproached me with having treated him badly—that I had left him in the theatre. I reminded him of our agreement. “Ah, yes,” he said, “but you know you are a little fellow; you might have been hurt in the crowd, and I wanted to see you safe in the hack.” “Well, colonel,” I said with as much gravity as I could manage, “did you think I could not take care of myself?” “Something might have happened,” he said, looking at me with the greatest gentleness, just as he might have done if I had been one foot, six, instead of six feet, one.

In all our long acquaintance he invariably adopted that protecting manner. Even in the last sad days, when his brave spirit was clouded, and his iron nerves unstrung, so that people were afraid to approach him, he never said a rough word to me.

This kindness was manifested in a singular manner the very last time I ever saw him, a short while before his death. I was in Jackson late in the winter, and one day, while walking with Governor Alcorn and Governor Clark, invited them to go with me to a certain restaurant, well known as serving fine oysters, and take lunch. This house, although on the main street, was approached by a side entrance,

a long outside stairway, with a sort of platform at the top, from which the door opened into a small entry. When we got to the place, the colored waiters were gathered upon the pavement, but that passed unnoticed, as we all knew their habits of idle curiosity as to what happened on the street. Neither did we attach any importance to the fact that one of them kept repeating, "Walk up, gentlemen, walk up," but all the while waited for us to go on, instead of preceding and ushering us into the room, as was his duty.

Whether it was fright, or a desire to get up some excitement, I do not know, but none of the servants warned us that Colonel McClung was in the eating-room, and that he had driven every one out of the house. He had been drinking heavily for some days, and had reached a state of actual insanity. The room was a very long one, and had two narrow tables extending the length of it. We were fairly within the room before we saw McClung seated at the head of one of these tables, and then it would have been instant death to attempt a retreat. He had a large duelling-pistol on either side of a bottle of wine that stood before him, and a bowie-knife was disposed between them. His face was deeply flushed, and his bloodshot eyes gleamed angrily from beneath a mass of tawny hair. It was like walking into a lion's den, but we had no choice. Neither Alcorn nor Clark had any weapon, and I had only a small pocket-pistol.

Now McClung did not like Clark, and he hated Alcorn with a singular intensity of hatred. We went up to the end of the unoccupied table, and after saluting McClung with elaborate courtesy, I took the seat at the head with my friends on either hand. Our eccentric neighbor spoke to me cordially, but treated the others with marked coldness. The waiter, whose black face was ashy with terror, served us hastily with wine and oysters, and disappeared without ceremony.

I whispered to Alcorn not to exasperate McClung by seeming to ignore his presence, but to ask him to take a glass of wine. He did so, and McClung, after glaring at him for a moment, replied with fierce emphasis, "Not with *you*, sir; I drink my own wine," pouring out a tumbler full, as he spoke.

I don't suppose three men ever despatched food with more celerity than we did those unlucky oysters, or with less appreciation of its flavor. McClung had now begun to tell a story of how he had that day been attacked by three assassins in that very room, and got up to show just how he drove them off. Brandishing his bowie-knife, he rushed down between the two tables, just grazing Clark's back as he passed him with a furious lunge. When he sat down again, he began to flourish his pistols, regardless of the fact that they were hair-trigger, liable to go off at a touch. As soon as it seemed prudent, our party rose to leave, not for-

getting to go through the most careful parting salutations. Just as we reached the door, McClung jumped up with a pistol in each hand, and ordered us to stop. Our only hope being in instant compliance, we stood stock still.

Coming closer, McClung addressed me first. He said, "Now, Davis, you don't believe one word I have said. You *can't* believe anything you don't see, but I don't care — you are made so, and can't help it. I like you, and won't try to make you say you believe anything. You can go, but these gentlemen are different, and they have got to say they believe every word I have told them, or I will shoot them on the spot." Wheeling round, he pointed both pistols at Alcorn, and said, "Do you believe I told the truth?" Alcorn immediately replied, as blandly as possible, "Why, colonel, do you suppose any gentleman ever questions what you assert?"

McClung scowled at him, and turned upon Clark, who made the same reply. We were then permitted to depart, which we did with more haste than ceremony. We did not even stop to chastise the rascally waiter who had served us such a trick.

The hatred which McClung cherished for Alcorn sprang from an incident which shows the eccentric character of the man.

It happened that when both were young men, they attended a ball in Jackson. A young lady, a Miss McGuillie, was present, and she had for some time been persecuted by the attentions of a young

fellow whose addresses she had repeatedly refused. This youth was probably excited with wine, but at any rate he was drunk with jealous fury. Going into the ball-room, he approached the young lady, and was so violent in manner that she became alarmed, and running up to Colonel McClung, who stood near, appealed to him for protection.

I suppose there was never a man more chivalrous to all women than was McClung. He would have gone to the world's end in answer to any woman's cry of distress, and the wonder is that his usual quick perception failed him here. For some cause, he did not catch what was being said and done; and, before he appreciated the situation, Alcorn sprang forward, and seizing the offender by the collar, dragged him out, and kicked him down stairs. For this McClung never forgave him, and he owed to me afterwards that he felt for him a bitter dislike he had never experienced for any other man. He said, "I never see Alcorn that I have not a desire to fight him." Poor McClung! His nature was too highly strung. The disappointments and difficulties of life maddened him, and he died by his own hand.

During the Harrison canvass, McClung brought out in Jackson a campaign paper, called "The Crisis," and conducted it with much ability in the interest of Harrison. Some of the numbers were really brilliant.

Being selected to pronounce the funeral oration

in Jackson upon the death of Henry Clay, he composed a magnificent eulogy. I preserved a copy which he sent me for a long while, but it was unfortunately destroyed in the troublous days afterwards.

The First Mississippi Regiment was composed of the best-born, best-educated, and wealthiest young men of the State. Space will not allow me to mention names among so many, but it was a gallant body, going out to find glory upon the battlefield, and to do honor to the State of Mississippi.

One distinguished private I may be permitted to mention — James Z. George, now the able and distinguished representative of Mississippi upon the floor of the United States Senate.

He was a young lawyer at the time he volunteered as private, making his way slowly but surely in his profession. Although without family influence, and having none of the youthful brilliancy of talent which challenges immediate success, he was of solid parts, and possessed the firm will and steady reason of the man who may have to wait for his opportunities, but who never misses them when they come. Of such a character, the cool courage of a good soldier is rarely lacking, and George was not only a brave, but in many respects a most lovable man. When I first met him, he lived in Carrollton.

After the Mexican War I saw him in Jackson, where he was an applicant for the office of reporter

of the decisions of the supreme court, and I had the pleasure of doing what I could to support his claims.

Late in the fall of 1847, the government called for a second regiment from Mississippi. The war spirit was more fully aroused than before, and the necessary companies were quickly formed. They were ordered to rendezvous at Vicksburg for organization. There were six or seven candidates for colonel.

While I was in Jackson, attending supreme court, several companies passed through on the way to Vicksburg.

These companies sent committees to me, offering the vote of the companies if I would agree to accept the office. While sensible of the compliment, I did not hesitate to decline positively. The reasons were obvious. In spite of the charm of novelty and adventure and excitement, which appealed to me as to all the young men of the country, and the contagion of the wild enthusiasm which was sweeping over the State, I had sense enough to see that such a step would be fatal to me. I had just reached a point where the best work of my life was before me; my practice was ample, my prosperity assured, and there was a reasonable certainty that I should be chosen governor at the next election. My affairs were progressing in accordance with long-settled plans, and to jump from law into the army and from the army into

politics must inevitably change the current of my life to my own ultimate disaster. I realized all this as fully then as I know it by experience now ; but when a man stands at the dividing of the ways, it is not always given to him to choose the path of prudence and wisdom.

It came about that some friends of mine were going to Vicksburg to witness the organization of the regiment, and I was induced to go with them. Overtures were again made by different companies, and I was so bent upon resisting that I went to my hotel, and prepared to leave on the next train. Several of my friends came after me, and reporting some combinations that were being made against me, my indignation was so much aroused that prudence gave way. I was mustered in the company of Captain Joel M. Acker as private, and elected colonel over Captain Buckley, of Monticello. The defeat of Buckley gave him great offence, which he cherished to the day of his death. He had been warmly supported by Governor A. G. Brown, who, some days before the election, presented him with a handsome sword.

I was largely indebted to the untiring exertions of John A. Wilcox for my success, if success that can be called which cut my life in two, and changed its best hopes and aspirations. From that one event I date all the mistakes, and most of the troubles, that have been mine throughout a long and eventful life.

I had always considered the position of colonel peculiarly trying, as it places a man in such an attitude both to his superior officers and to the men under his command, as to make him the target for complaint on both sides. It was not long before I was more than ever impressed with this, and my want of military training made matters much less easy to me.

My election threw me immediately into camp, where every moment some new question arose for instant decision. I am confident that the first day five hundred different emergencies arose, and it seemed that each was more imperative than the other. Never shall I forget the exasperation of seeing the officers of the regiment sitting around much at their ease, and evidently taking malicious pleasure in answering every application with a careless "Go to the colonel." I had no headquarters. Everything was in a state of transition. Boats had to be obtained to transport the regiment to New Orleans. Rations must be supplied, tents and all the impedimenta of a moving army were to be purchased and arranged in a few hours. It seemed that new requisitions and unforeseen necessities presented themselves at every moment. A move that would have been accomplished with ease and precision by a troop of regulars with their experienced officers was, in our unskilled hands, a work of unheard-of difficulty and confusion. How I got through the first day without resigning my command has always been a mystery to me.

The regiment at last embarked for New Orleans. It was composed of splendid material, and the officers were men of talent and high position. Lieutenant-Colonel Kilpatrick was a favorite with the whole command, and proved himself in every emergency well worthy of their confidence. He was a good officer, brave, intellectual, and firm, but he had an insuperable aversion to the routine duties of his office.

When any active service was required, no man was more prompt and efficient, but the humdrum supervision of the troop was intolerable to him.

As if to make up for these deficiencies, the officer next in command, Major Price, was devoted to the least detail of his department, and performed every duty with punctual observance. He was a Kentuckian by birth and education, a man of good parts and culture, taciturn and serious manner, and with an absolute and unyielding temper. As an instance of the ardor of his temperament, I may mention that, in order to take part in the storming of Monterey, he walked thirty miles the day before the battle.

There were ten captains, all of them men of courage and mind and good social position.

One of the most noteworthy men in the regiment was Captain Charles Clarke. He had from early life displayed a passion for anything like military affairs, and always had the command of a company in whatever town he happened to

remain long enough. As a lawyer he had a good reputation, and was a fluent and elegant speaker. Being made brigadier-general in the Confederate army, he was frightfully wounded at the battle of Baton Rouge. His injuries were supposed mortal, but he lived a cripple. Before he was able to leave his bed, he was elected governor of Mississippi, and at the surrender was seized by federal authority, and kept in prison for some months. Soon after his release, he died on his plantation in Bolivar County, Mississippi. He was a brave and true-hearted man, and a born soldier.

The next company was commanded by my old friend and fellow-townsmen, Joel M. Acker. He was an able and zealous officer, respected by his men, and maintaining his position in all circumstances.

The Hon. J. M. Acker still holds the high position in this State which he won many years ago. He came here a boy, fresh from Harvard College, and for some years gave himself up more to the wild pleasures of a newly settled country than to the labors of his profession. He would probably look very stern now if his grandson played the same pranks, but the fact remains that in those days the judge liked play better than work.

It was, however, evident that the same clear intellect and shrewd common-sense that distinguishes him now would finally overcome the effervescence of youthful spirits. Having set cer-

tain aims steadily before him, he has been eminently successful in their accomplishment. No man better deserves the solid reputation and weight of influence which he has won by his fine, well-balanced mind, and fearless integrity of character.

Captain A. K. Blythe was a Tennessean by birth and education. With much talent for oratory, he combined some literary power, and his composition was pure and beautiful. He always had the most patrician bearing, but was singularly careless in dress. That he was a perfectly courageous man was never doubted, but it was also known that he was as soft-hearted as a girl, and in voice and manner he was "as mild as any maid." He fell one of the heroes upon dark Shiloh's bloody field.

Captain A. M. Jackson, of Ripley, has already received such poor tribute as my pen can give him.

Captain Estelle, from Panola, was a handsome and gallant soldier. I never knew a more accomplished gentleman, and a brave, true heart beat in his bosom. It was a strange fate that led him safely through the perils of two wars, only to fall at last by the ignoble hand of an assassin in the peaceful streets of Jackson.

Captain Hymer, of Holly Springs, was a fair-haired Saxon, and had the bold, careless intrepidity of the Saxon race. He commanded the Mar-

shall Relief Guards, and it is said that when the battle was hottest at Buena Vista, the soldiers said to each other, "If only the Marshall Reliefs would come!"

Captain Liddell was from Choctaw, and I must record of him that he never failed to do his whole duty and more. He not only obeyed every order promptly and efficiently, but he took his full share of responsibility, and was an unfailing support and relief to his commanding officer. He was a grand fellow, and died heroically on the field of Antietam, leading a charge when he fell.

Captain McWillie was from Madison County. What can I say of him, but that he seemed to live in the highest regions of honor and devotion? His heart was soft and pure. It seemed almost impossible for him to comprehend meanness or villany, and he so naturally expected everything good in persons he was thrown with that bad men seemed shamed into better feeling by his mere presence. There was a wonderful atmosphere of honor and virtue about the whole man. He had seen much service, but never lost his tenderness of nature. At the battle of Monterey he shot at a Mexican, and saw him fall dead in the street. The man was slain in full tide of battle, and it was the duty of McWillie to shoot when he did. It was also possible that other Mexicans had fallen by his hand, but there was the relief of uncertainty in all cases except this one. Often afterwards, Mc-

Willie confided to me that the recollection of this man was a torture to him, and that, with no sense of guilt or responsibility, the picture of that poor wretch rolling in the dust would remain, with him as long as he lived. At the beginning of the civil war he went into the Confederate army as captain. In the battle of Shiloh, when the seventeenth and eighteenth regiments were forced to retreat, McWillie kept his ground until he fell, killed by a bullet. He died knightlike, with his sword in hand.

Captain Daniel was from Lauderdale. The men used to joke about his habit of wearing his sword always behind, with the buckle in front, but we all knew his heart and sword would always be found in the right place when the time came.

Captain Buckley virtually retired from the regiment from the first, and finally tendered his resignation.

I had received the entire vote of Blythe's company; and when a recommendation was sent in for his first lieutenant, Beverly Matthews, to be appointed adjutant, it seemed only fair that he should receive it. In point of fact I had little confidence in his fitness for the post, and I made the appointment under the conviction that he would feel himself in the wrong place, and voluntarily resign when we got to Mexico. This estimate of his unfitness was fully realized, but he disappointed my hopes by refusing to tender his

resignation. Finally it became necessary to tell him frankly that the peculiar duties of the office required a capacity for detail and the rapid dispatch of business which he did not possess. When requested his resignation, I authorized him to put it upon the ground that he would no longer serve under me.

There was one man in the regiment who was eminently fitted for the post of adjutant. This was my good friend John A. Wilcox, who was a man of quick perception, decided action, and the most untiring spirit. The men had unbounded confidence in him, and he was the life of the camp in seasons of discouragement. I have seen him, when a long, hot march had wearied and depressed them all, bring out drum and fife, start up the liveliest music, and keep up such a bustle of cheerfulness and good humor that every man seemed to have new spirit in him. To me he was like a right hand, always ready for loyal service. Poor Wilcox! I always think of him as strong and bright and full of life, but he died of apoplexy while a member of the Confederate Congress.

CHAPTER XXIII.

THE command reached New Orleans, and were camped on the field where Packingham lost his life. It was in the month of January, with alternate rains and frost, the ground like a marsh, and the most penetrating of all damp winds blowing strongly from the lakes. New Orleans is a place to dream about when the sun shines and soft breezes blow, but in cold and rainy weather the fair city turns shrewish. She is a creature of moods, only to be endured when the atmosphere is soft and balmy. I think I never saw her so deadly chill and bitter as she was that winter. Our new troops had not even learned to take care of themselves in camp, and inevitable disease followed. Something like the malady now called meningitis broke out, and was often fatal.

Finally we sailed for the seat of war under mistaken orders. The general in command at Orleans had been directed to send the regiment to General Z. Taylor, then at Buena Vista. Unfortunately the commanding general was taken ill, and Colonel Totton, who was unadvised as to our destination, gave orders to rendezvous at the small island of Lobos, seventy miles from Vera Cruz. We passed

out of the Mississippi into the Gulf late in the evening. Orders were not to be opened until the tow-boat had been discharged. My ship was in advance when I opened my orders and found that I was to touch at Tampico, report to General Scott if convenient, and thence to Lobos. The captain signalled to Colonel Kilpatrick and Price; but before the latter could come up, a storm struck us and drove him in a contrary direction. We had a rough passage, but Kilpatrick and I reached Lobos, while Major Price reported to General Scott at Tampico. His construction of his orders thwarted my plan to avoid being put in command at Tampico, or sent back to report to General Taylor on the Rio Grande.

On the island of Lobos I met Colonel Butler of South Carolina, a warm personal friend of General Scott, and he proposed to me to make a brigade of our regiments. To effect this, we made a joint application to General Scott and sent it by Kilpatrick. Scott was on the point of sailing for Lobos when Kilpatrick reached him. He gave an absolute refusal, on the ground that it was then too late to make changes. As soon as he got to Lobos, he ordered me to report to General Taylor at Monterey, supposing him to be still there. Major Price had returned from Tampico to the Rio Grande. My two divisions sailed next day, and we reached the Brazos, at the mouth of the river, the very day on which the battle of Buena

Vista was fought. The next day we ascended the Rio Grande to Matamoras, under orders from General Taylor, and took command of that place, superseding Colonel Drake of Indiana, who was ordered to advance upon my arrival.

The regiment was all present, and on the second day I ordered dress parade. The adjutant reported all ready for review except Captain Buckley's company, who refused to form. I ordered the captain to be arrested, which was done, and the company to be formed by Lieutenant Gouvener, but they still refused to obey orders. I then ordered Captain Jackson and Captain Estelle to the front with their companies, and gave the command to load and aim. The alternative was then given, instant obedience or the command to fire. There was no hesitation, the companies fell into order, and the review went on without more delay than was caused by cheers from the line. After that one mutinous moment, I never had any trouble with the command.

We found small-pox in Major Price's division when we reached the Rio Grande. Captain Clarke told me that it was not small-pox; that cases had been examined by some old army surgeons at Tampico, and they had pronounced it to be merely a bad cutaneous disease, engendered by confinement on shipboard.

This was competent authority, and it was sustained by the opinion of my surgeon-in-chief; but

I was satisfied that the disease could be nothing less than varioloid. I ordered a separate hospital and suitable precautions, but these measures were imperfectly carried out. The men were not afraid of a disease which had been pronounced upon medical authority to be harmless, and it became general through the command. No actual case of virulent small-pox had then occurred.

The post of Matamoras was turned over to me, and Drake was ordered forward to Monterey. Fort Brown was directly across the river, opposite to Matamoras. The fort was held by a captain of the United States army with his company, and strengthened by one company of Indiana men furnished by Colonel Drake. He withdrew his company, and I put one in its place. Fort Parades was one mile above the city on the river bank, and I supplied one company for that fort upon Drake's withdrawing his. Drake expected to leave on the evening of that day. About ten o'clock two men came dashing into the Plaza, and announced that a Mexican force of ten thousand men was rapidly advancing upon the city. We had not then heard the result of the battle of Buena Vista, but the rumors were that Taylor's army had been cut to pieces and captured. I took active steps for defence against the attack which seemed to threaten us. Colonel Taylor and some others climbed to the tallest building as a post of observation, and soon shouted to me that a heavy cloud of dust

was apparent in the direction of the enemy. This proved to be a large drove of Mexican ponies being driven to the city. The Mexicans in charge stoutly denied the advance of any force upon us.

As soon as the first intimation of danger reached us, I advised the officer in command at Fort Brown of the supposed advance. He replied that his force was not strong enough to hold the fort against any reasonable attacking force, and requested that I should furnish him with another company. I told him he had a strong wall, two eighteen pieces well mounted, four twelves, and six sixes. These defences with two hundred men gave him more ability to hold the fort than I had to defend the city. As he still insisted, I proposed to him to turn the fort over to one of my captains, and bring his regulars into my camp. This affronted him, and he made no more demands upon us. Rumors still poured in to the effect that both city and fort might at any moment be attacked. Colonel Kilpatrick and I started over the river for the purpose of examining the actual condition of the fort, and to take such steps as might be needful to add to its strength. Whilst we were waiting on the bank of the river for the ferry-boat, we heard the report of a cannon up the river in the direction of Fort Parades, followed by four or five rapid shots. We could see that the flashes were from the guns of the fort and from a steamboat in the river. I said to Kilpatrick, "That sounds like

a *feu de joie*. Taylor has won the fight. Gallop up and get the news, while I get back to the Plaza and have the regiment in order for salute." By the time we were ready, Kilpatrick dashed in, his horse covered with foam, and shouted, "Santa Anna defeated! ten thousand killed, and five thousand prisoners!" That was joyful news indeed. The men were fairly wild with pride and delight. They huzzaed themselves hoarse, and there were a hundred salutes fired at the two forts and on the Plaza.

That was the bright side of the picture. The shadow was in the spots where the trembling Mexican men and women crouched and cried like children. This victory settled the war in northern Mexico, and active operations were transferred to the line of advance from the city of Vera Cruz to the city of Mexico. Santa Anna retreated from Buena Vista to Cerro Gordo, the strongest position in the whole republic, with, perhaps, the exception of Chapultepec and Churubusco. The enemy had overwhelming advantage in the great strength of their position, and in the number of men in action. Notwithstanding this, every point of attack was stormed exactly at the time and in the manner allowed by General Scott in his orders of battle; and our army moved forward to Puebla, and there remained for several months awaiting reinforcement. My regiment was moved forward to Monterey, and thence to Saltillo, and afterwards

to Buena Vista, where it remained until the war ended.

During this journey by sea and land, I had opportunity for making some observations upon the nature of man, when separated from domestic life and ordinary vocations, and undergoing that temporary lapse into barbarism which it is the tendency of camp-life to produce. First I made the surprising discovery that the young men who had grown up in towns and cities could stand more hardship, were less subject to sickness, and could outwalk the country-bred boys.

This astonished me, as I had expected the reverse. But my next discovery was still more amazing. I found that all alike acted upon the conviction that when a man took his oath as a soldier, and was mustered into service, he was from that moment absolved from any obligation either to God or man, and free to disregard every law of honor or honesty, except fidelity to his flag and personal courage. It was as if some outside mantle of religion and civilization fell suddenly off, and the primitive man stood forth in his original savagery. I thought I knew something of men before, but at this time I saw them under new aspects. It not unfrequently happened that those who were most quiet, self-contained, and orderly as civilians, showed themselves capable of the greatest excesses when the restraints of ordinary life were withdrawn. After long repression, the reaction set in, and they let themselves go.

They were a gallant set, and their disappointment when the enemy failed to appear was even laughable. I remember one incident which occurred when the drove of ponies raised our hopes to such a high pitch. When the men were drawn up in the Plaza, I observed a tall figure without coat or vest, and with a very large sword buckled about the waist. This proved to be Captain William Barksdale, the quartermaster of the regiment. I asked him how he happened to be there in that trim, when, as quartermaster, his duty did not call him to the front. He said he thought there might be some warm work presently, and it was a hot day, and he thought he could do better without his coat. Although our small force would be outnumbered, he counted on a glorious victory, and could I expect him to lose his chance of being in the thick of it? I told him to fall in where he pleased, and I hoped that he might find use for his ponderous blade before the day was over. Poor Barksdale! what a good fellow he was, and what a noble, generous heart beat in that broad bosom! If he had been gifted with second sight that day, he might have had visions of himself on many a bloody battlefield in his own native land, and of one hard-fought contest from which he was never to return.

He was elected to Congress after coming home from Mexico, and served for six years. When Mississippi seceded, he was elected colonel, and

promoted for gallantry on the field to the rank of brigadier-general. He fell in the last deadly charge made by Lee's army at Gettysburg. Going into the war with such high hopes and such eager certainty as it was his nature to feel, it was perhaps a happy destiny that awarded him the heroic death he would have chosen, and spared him the last sad scenes of defeat and humiliation. He who lives to drain life's cup to the bottom must expect to find the dregs bitter.

CHAPTER XXIV.

THE day before the receipt of the intelligence of Santa Anna's defeat at Buena Vista, Colonel Taylor, a brother of General Taylor, and commissary-general at Matamoras, had requested me to assign the three North Carolina companies which had just arrived to the military post of Matamoras, and to go forward with my regiment to join his brother.

The Mexicans had circulated reports that General Taylor was in danger of being forced to surrender, and even that he had already been captured. Colonel Taylor paid my men the high compliment that they were in his judgment sure to push their way forward, and he gave me a letter to his brother in which he stated that he had urged me to go on. My orders from General Scott were to report to General Taylor in person. All arrangements were completed when the news of the victory of Buena Vista reached us. This intelligence did not change the urgency of Colonel Taylor, or my own purpose, and on the next day we left for Camargo, at the junction of the San Juan with the Rio Grande.

On our way up the river, my surgeon informed

me that two of the men had broken out with a virulent form of small-pox, and recommended that the boat should be stopped and these two cases put on shore. I reminded him that we were passing through an unsettled wilderness, and asked him what provision he proposed to make for these two helpless and suffering creatures after they were put off. He replied that they should be left to their fate, as it was better that two men should perish than the safety of the whole command be disregarded. This was horrible to me, and I told him plainly that we had left home to die together if necessary, and that not a man should be abandoned to death by disease or any other cause while I could prevent it. On the next day, when we reached Camargo, the sick men could be cared for and all proper precautions taken to prevent the spread of the disease. In the mean time we would take what was appointed for us in the path of our duty, as Christian men and not savages. I also reminded him that two weeks before he would not believe that there was varioloid in the camp, and told him to see if there were any men who had not been vaccinated, and if so, vaccinate them, and separate them from camp at Camargo.

Upon inquiry, it was ascertained that the two men already ill with small-pox were the only ones in the regiment who had not been vaccinated, and, though there were some sixty cases of varioloid,

these two were the only cases of genuine small-pox. One of them died, and the other was deeply marked. I mention this incident, because there was afterwards an effort made at home to create a prejudice against me, upon the charge that I had imprudently subjected my command to risk of contagion by refusing to abandon these two men to the horrible fate of death by neglect and exposure.

We got to Carmargo next day, and in about an hour a certain Colonel Mitchell came to me and gave an oral command to take charge of that post and remain there for further orders. He commanded an Ohio regiment, which he met at Carmargo on return from furlough. Now my men were wild to get on where there might be some chance of active service, and I was determined that it should not be my fault if they were not gratified.

I therefore told him that I was *en route* for Monterey and could not be detained. He told me to consider myself under arrest, and to give him my sword. I replied that I would return across the San Juan to my headquarters, and that he might send for my sword if he wanted it. I advised him to send his whole regiment, as it might not be prudent for a small party to come on that errand.

When I got back to camp, I assembled my officers and informed them of what had taken place. Also, that I intended to go on to Monterey as soon as I could get transportation. That if they ap-

proved of this, very well ; otherwise I would resign and return home. All the officers heartily endorsed my action. About ten o'clock at night I received from Colonel Mitchell a written order to take command of the post. Next morning, I called on him and said, " You have given me a verbal order and told me I was under arrest. Afterwards you send me a written order, which you have no right to do if I am under arrest." He replied that it was because I had persisted in my disregard of his first order, and asked whether I intended to obey the written order. I told him that having given the order it was his duty to await results, and not to expect me to submit to be catechised as to my intentions. If I obeyed, very well ; if not, he would then be called upon to decide his own proper course.

Colonel Mitchell left Camargo next morning, with his regiment and a train of supply wagons for Monterey. I ordered transportation for my regiment at once, and would have moved the next morning, only Colonel Humphrey Marshall, of Kentucky, arrived the evening before, with his regiment and a train of five hundred supply wagons. At his request, I stopped another day, and became in fact an escort of his train. We travelled a new route, the colonel said by instruction of General Taylor. It was known as the Chena route, but had not been used by our army before that time.

It was apprehended that we should be attacked by General Euria of the Mexican army before we could reach Monterey. We had a sufficient force: Stoner with three pieces of artillery; Marshall with three hundred cavalry that had been in the fight at Buena Vista; and my own force, which could have put into action at least eight hundred and fifty men.

The San Juan River, from its headwaters to the Rio Grande, was covered with a thick and impenetrable growth of chaparral bush, and it was only now and then we could reach a point where water was accessible. It was understood that on the third day we should, after a march of thirteen miles, reach good water at a place called "The Wells." At eleven o'clock the cry was echoed down the line — "The Wells." Every man who had a remnant of water in his canteen threw it out, expecting abundant supplies of fresh and delicious water near at hand. It was a terrible moment when the water proved to be so brackish that neither man nor horse could drink it! Not a drop could be hoped for until fifteen miles were marched, and that over dusty roads and under a tropical sun. There were two thousand horses and mules, as well as more than that number of men, all exhausted with intolerable heat and thirst, and with the fear of falling by the wayside before the water could be reached.

It was a desperate situation, and Adjutant Wil-

cox rose to the occasion. He brought out all his drums and fifes, and filled the air with the liveliest music. He laughed and joked and praised the men by turns. At last he produced a small quantity of brandy, and giving those men who were flagging a spoonful, instructed them to hold it in the mouth as long as possible, as it would then be impossible to faint from thirst. He said the remedy had been often tried and never failed.

My command was in front. Very soon we discovered a heavy cloud of dust on the opposite side of the river, and moving on in a parallel line with us. It was supposed to be a body of the enemy, and it seemed probable that an attack would be made when we got to the river. Precaution was necessary, and, after some consultation, Colonel Marshall put one hundred of his dragoons in advance, and kept the remainder in the rear. I reserved one company in front, and stationed one company after every fiftieth wagon, and in this order we made the march of fifteen miles. It was an experience never to be forgotten, and the suffering from thirst was frightful.

When we at last reached a promontory on the river from which water was accessible, the troops were ready to rush pell-mell into the water and drink until they dropped dead. It was necessary to stand with swords and keep them back until the most trusty could serve out moderate quantities and refresh the men by degrees. Ambulances and

men with led horses were sent back to gather up those who had sunk down by the way, and we were so fortunate as not to lose a single man. In spite of our march of twenty-eight miles, and the intense suffering from heat and thirst, the troops were in marching order next day.

No incident occurred after this until we got within twelve miles of Calderrita, a beautiful city, twenty-five miles from Monterey. After we had gone into camp, several spies of General Taylor's informed us that the camp would be attacked next morning about daylight by a force of five thousand. The same information had been given General Taylor, and on the morning of that day he had ordered Colonel Fauntleroy to move at once with five hundred cavalry and reach our camp by the dawn of day. He also sent forward Colonel Drake's regiment of infantry. Colonel Marshall parked his three pieces of artillery, concentrated his wagons, and disposed my command in reference to the expected attack.

At very early dawn, every man was up and ready for action, but, as had happened so often before, our hopes melted away with the dew before the morning sun. After waiting until the enemy was despaired of, we moved on, and in about five miles we met Colonel Fauntleroy and his troop. They turned back and preceded us to Calderrita. Two hours' march brought us in sight of the lovely city, which lay like a fair garden just beneath a

high bluff at the headwaters of the San Juan. We were upon the verge of the bluff, and looking down upon the fair city with its orange groves and vineyards, and a clear and sparkling stream flowing through the midst of it. Nothing could be imagined to surpass the beauty of the vision, and the troops broke into shouts of delight and surprise. We camped along the water's edge for a day and night of delicious rest and refreshment.

Although it was Sunday, the streets were gay with amusements of all kinds. Everywhere cockpits were open, and crowds of Mexicans watched the different fights. Our troops behaved with great propriety, and we left the city without disorder or outrage. The people said that when Colonel Fauntleroy arrived on his way to our camp, it had been determined that no attack should be made upon us, lest he should destroy the city.

The next day we marched twenty-five miles to a camp three miles from General Taylor's headquarters at Monterey. Great numbers of soldiers came out to greet us on the march. Some of them spread a report among my men that General Taylor meant to arrest me at once and send the regiment back to Camargo.

I soon heard murmurs along the line, and was told that the men were dissatisfied about what was called my rashness.

Taking no notice of this excitement, when the

command halted I took two of my officers and rode across the river and reported my arrival to General Taylor. I was introduced by Colonel Jefferson Davis and Major Alexander Bradford.

General Taylor received me with great courtesy, expressed his approval of my coming, and invited me to drink a glass of good brandy with him. He said he would instruct his adjutant to select the best ground for the encampment of my regiment, by the time we could reach the spring next day. The spring was seven miles distant.

In this conversation, General Taylor expressed bitter indignation against General Scott. He said Scott had taken all his regulars and left him with a feeble force of militia, with orders, if an enemy should advance upon him at Buena Vista, to retire from the mountain fastnesses to Monterey—a point easily surrounded by a larger force, and which could not be held for lack of supplies. This order, he said, he had from the first intended to disobey. It involved simply a surrender of his army, and disgrace to himself. With the troops left to him he could make a cordon across the Pass, from the base of one mountain to the other. In this strong position it was impossible for any force, however large, to outflank him; and should the enemy advance, he was determined to fight at that point, if he did so with the halter around his neck. If he had been defeated, he supposed he might have been shot, unless Congress interfered

in his behalf. Having been so lucky as to win a great victory, no charges had been made against him. He spoke with great energy and spirit, and manifested strong feeling in regard to the treatment he had received, and the jealous and unfriendly attitude which General Scott had taken throughout the war.

On our return to camp the officers reported our gracious reception, and the troops were as much delighted as they had before been chagrined. As I passed, they gave loud cheers, which I suppose were meant as an off-hand sort of apology for previous misconstruction.

The next morning every man put on his best array, and awaited with impatience the order to move forward. It was a gala day for all. They were to march through a city of thirty thousand inhabitants, and to be greeted by the conquerors who had won laurels on the field of glorious victory. I must confess that I was not a little proud of my gallant-looking regiment, marching along gayly and in high spirits. Stopping before General Taylor's tent, they gave three hearty cheers. The regiment was then advanced to the extreme front. Poor fellows! they remained in that camp until the war ended.

While we were in our new quarters, General Scott received reinforcements at Pueblo, and moved upon the City of Mexico. After the battles of Churubusco and Chapultepec, the City of

Mexico was captured, and treaty entered into, by which all the country north of the Rio Grande to the Pacific was ceded to the United States. This included California, with her wonderful climate, her rich and fructifying soil, and her vast hidden treasures of gold and silver. It is marvellous that such rich and splendid results should have flowed from such small expenditure of blood and treasure. No wonder the whole nation went wild with delight and exultation.

While in camp at Buena Vista, our men suffered grievously from that terrible scourge, Mexican diarrhoea, a disease which prevails there all the year, and is almost sure to attack persons unaccustomed to the climate. It is, perhaps, to avoid this malady that the natives make red pepper so large a portion of their daily food. Their bodies become so saturated with pepper that neither beast nor bird will molest the carcass of a dead Mexican. Left lying in the sun, it will dry into a mummy, subject to no danger of either decomposition or depredation.

I was stricken with the dreaded disease, and lay prostrate for many weeks. In a short time I became so low that there seemed small chance of seeing home again. At last I was reduced to a mere skeleton, and was no longer able to stand without assistance.

General Wool came to see me, and I told him I thought I ought to go home, as I was no longer of

any service, and there was no hope of improvement. I asked him if he would furnish me, on the 20th of July, an ambulance and a guard of twenty dragoons, to take me to Monterey. He readily promised, saying it was my only hope of recovery. The next day I was removed from camp to a room in Saltillo, and my sergeant-major went with me.

On the 19th I was much worse, but directed the sergeant to pack up and be ready to start next day. Perceiving that he had no intention of obeying my instructions, I spoke sharply to him, and he retorted that such preparations were useless, as it was impossible for me to rally from my attack sufficiently to make a further journey. He also said that General Wool was of the same opinion, and had only promised to make arrangements for my departure because he wanted to keep me quiet.

This exasperated me to such an extent that I seemed to gain new strength, and I swore that I would go home if all the surgeons in the army pronounced me dead. Sending for General Wool, I refused to hear a word of expostulation, and demanded the fulfilment of his promise. He declared I would die before I had gone five miles, but I told him all I asked was to be allowed to die in my own way.

Next day, an ambulance was partly filled with straw, and a camp mattress spread on top of the

straw. I was laid upon it and my friends crowded around to bid me, as they supposed, a last farewell. The surgeon wanted to provide me with a basket full of medicine, but I had taken my case in my own hands, and would take only some bottles of brandy. This was food, and drink, and medicine for me all along those weary miles, but somehow I kept alive upon it. The journey seemed endless, and I was often tempted to give up and die of sheer weariness. Human nature is a curious compound. Perhaps it was the recollection of all the predictions my friends had made of my death on the road that sometimes nerved me up to still more obstinate efforts. However that may be, I got home at last, and after weeks of confinement, was restored to health once more.

CHAPTER XXV.

UP to the time of my departure for Mexico, my life had been as tranquil and as free from enmities as was possible for a man of impulsive temperament, actively engaged in professional life, and with vivid political sympathies. I had enjoyed the support of many warm personal friends, and had made very few personal enemies. In taking command of new troops, without previous military training myself, I put myself in a position not only to make blunders, but to receive credit for blunders made by other people. For instance, I had no responsibility for the unfortunate selection of the camp near Vicksburg, where the men were exposed to mud and wet, and which produced much suffering and disease, but it was considered my fault. In the same way, our detention at New Orleans, where the men were encamped in a swamp, and the weather was frightful, and where we waited three weeks for transportation, was wholly beyond my power to prevent, but it was somehow put down to my want of experience.

These criticisms were oftenest made by people at home, my own men being generally loyal to me. In my long absence I had suffered much, not only

from the interruption of my professional career and the loss of political preferment, but from a long and wasting illness, which returned at intervals for years.

I had also gained much, in a more varied experience, wider knowledge of men, and the bringing out of new powers and faculties. Hitherto, my life had been given up chiefly to legal questions and expedients. During my military experience, I was thrown into contact with new difficulties and emergencies, and forced to exercise a different set of faculties altogether.

To change a man's occupation in life is to lift him out of one groove into another, and to develop a new quality of mental aptitudes and methods. I ought to have gained something by my experience in Mexico, for I paid a long price for it, besides the bitter disappointment of missing all the brilliant opportunities and glorious excitements of actual battle.

To have shared the glory of Buena Vista, or the charge at Monterey, or the march into the capital, would have been a balm for every woe, and an answer to each detractor.

I have purposely left any account of Aberdeen and its people to be taken up at this point, because I wished to include men who were not in Aberdeen when first I pitched my tent there.

It was in November, 1838, exactly fifty years ago now, that I moved from Athens to Aberdeen.

At that time it boasted of a population of two thousand seven hundred people. Of these some ten or twelve were lawyers, and I say with pride that most of them were men who would have adorned any bar, in any age or country. A brief mention of the most prominent of these is an indulgence I must permit myself in this retrospect of early days. They move before my mind's eye like figures in a living procession, rather than like shadows in a panorama.

Here passes the stately presence of Judge John B. Sale, originally from north Alabama, but a Mississippian by early adoption. It was conceded by all that he was as able a lawyer as this State ever produced. He was educated at La Grange, near Tuscumbia, and had, during his college life, the reputation of being too wild and headstrong to do much with his admitted abilities. Those who knew him in later life could scarcely credit such tales of early recklessness, as the judge was distinguished by a dignified and somewhat austere deportment. Although genial with his friends, to whom he was steadily devoted, in general society he was reserved almost to haughtiness, and stood upon his dignity as firmly as any man I ever knew.

His mind, like his tall person, was of a massive, ponderous order, and moved slowly but effectively. A man of more immense application and labor never existed. Although not quick to rally when taken by surprise, when fully prepared his attack was crushing.

He possessed both courage and firmness in a high degree, and made himself felt wherever he turned. I counted him among my friends for many years, and, although we differed upon almost every question, partly from natural difference of mind and temperament, and partly from being generally opposed to each other in the courts, our fiercest contests rarely brought any bitterness into our private relations.

Looking back, I think we liked each other all the better for each good blow given and taken when the fight was up. His death, which occurred some years ago, left a great gap in both the social and professional life of Aberdeen. His eldest son, Dr. G. P. Sale, has now for some years held a prominent position as one of the leading medical men of the State, but has recently given up his extensive practice here to enter upon a new field in the city of Memphis. Wherever he goes, his eminent qualities will bring him a successful career, worthy of the son of such a father.

Of Frank and William Rogers and the Hon. Joel M. Acker, mention has already been made.

Colonel Matthew Lindsay, from Tuscaloosa, Alabama, was an able lawyer and speaker.

James Phelan came here from Huntsville, Alabama, but was Irish by descent, and had an Irishman's quick wit and winning manner and beguiling tongue. He was a beautiful speaker, not much in debate, but give him the floor and let him talk

long enough, and he would steal the heart out of your bosom.

To bring up the rear of this noble procession, who better fitted can be found than the Hon. Lock E. Houston, a relation of the hero of San Jacinto, General Samuel Houston.

When Lock E. Houston first came to Aberdeen, he was still a young man, but the naturally great powers of his mind had been trained and strengthened by a thorough law education. A profound thinker, he is never satisfied with the preparation of a case until master of every point, and his speeches are always able and exhaustive. I have seen many a man go into a fight with him confident of victory, but I never saw one come out who was not either vanquished or badly damaged.

A gentleman of manner and countenance so dignified and serious as to be almost severe, a stranger would never suspect the fund of dry, caustic humor hidden beneath that sedate aspect, and which makes him at times the most delightful and entertaining of companions. He still lives to adorn the profession, and has recently been appointed judge of the circuit court of this district. His life has been full of labor, and his heart of kindness and loyalty to his friends, and of tenderness and fidelity to his family.

That was a glorious time for old Monroe, before the ranks of such a company were broken by time and death.

How many are dead ! When I think of them all, I am like the ancient mariner, and believe that I am myself a " blessed ghost."

When I returned home from Mexico, I had the usual experience of being startled by changes which seemed great in the aggregate, though probably not much remarked by those who saw their gradual progress. Some of the old citizens were gone ; new names and faces had come in.

Among these, there was one name which has been prominent, not only at the bar, but in all the social and political life of Aberdeen, and of north Mississippi, and without which my record would be incomplete. If I hesitate in beginning a brief memorial of Colonel Reuben O. Reynolds, it is not because I fear to do him less than justice, or because I have no pleasure in giving him such praise as all must believe his due ; but rather from a natural delicacy in approaching a name which has been connected with mine in strife more than once.

Colonel Reynolds was not my friend, and he is dead. For both these reasons I should hold it unworthy either to omit his name from among his compeers, or to abate in any wise the honor to which that name is entitled. Whether our differences were my fault or his, or whether they arose from a wide dissimilarity of mind and character, it would be idle to question now. If I cannot honestly say that I was ever consciously wrong in our

long discord, I am at least willing to admit now that, according to his standards, which were different from mine, he may not have felt himself as unfriendly in his conduct to me as I believed then, and still believe him to have been. It is possible that my opinion may be changed some day, but it will be in the next world, not in this one, I am sure. In that case, I shall be glad to acknowledge myself mistaken, as I should now if I could see it in that way.

I made the acquaintance of Colonel R. O. Reynolds when he was a lad of some twelve or thirteen years. Between his father and myself the most friendly relations existed, and I felt for him a sincere attachment, and also for the mother, who was a handsome woman, with agreeable and elegant manner. Colonel Reynolds grew up at his father's home, near Aberdeen, and received every advantage of education. With his natural quickness and adaptability of intellect, he showed himself early in life one who was destined to take no obscure place in the world.

He studied law, and in the year 1855 opened an office in Aberdeen, in partnership with a Mr. Henderson. In 1856, the Know-Nothing party was in a state of thorough organization, and put forward candidates for every office in the State. Judge Lock E. Houston was candidate for Congress on the Know-Nothing ticket in this district.

Henry S. Bennett was the nominee of the Demo-

cratic party. The Democrats held two conventions, at each of which they nominated candidates for the legislature. Each set declined the race, because they said it was hopeless. Judge Houston had great personal strength, besides being a most able debater.

It was believed that out of twenty-two hundred votes, he would receive fifteen or sixteen hundred, thus leading the Democratic nominee some twelve or fifteen hundred votes.

It so happened that some business called me from home for a week. During my absence, Judge Gholson and some others conceived a plan of forcing me into the canvass for the legislature, hoping to bring down Houston's overwhelming majority in Monroe, and thus save Bennett. To accomplish this purpose a petition was drawn up and signed by four or five hundred of the oldest and most responsible men of the county, appealing to me to make the race for the legislature.

In this petition it was frankly said, "We know that you cannot be elected — the majority is too great; but your power of discussion and your personal influence can hold down Houston's majority to such an extent that Bennett may succeed."

The opposition were advised of this plan, and immediately upon my return home, I was called upon by some of the leading Know-Nothing men, and informed of what was proposed. They ap-

pealed to me not to make the race, assuring me that I could not fail to be beaten by seven hundred and fifty votes.

I replied, "Gentlemen, should that petition be presented to me, I will certainly accept. You can only beat me seven hundred votes, and what is that? To satisfy the old citizens who have never deserted me in any contest, I would make the race if I knew I should not get a single vote outside of their own. Beat me if you can!"

In the course of a few hours, the petition was presented, and I took the stump from that day. We made a lively canvass, and I enjoyed it immensely.

Towards the close of the canvass, young Mr. R. O. Reynolds announced that he would reply to me at Quincy, as a friend of Judge Houston. There was a young gentleman about the age of Mr. Reynolds, equally well-educated, and pretty well matched in most respects. I went to him and told him that Mr. Reynolds meant to take the stump for Houston, that he would thus bring himself before the public, and that this was an example which he might follow with profit to himself. I invited him to take the stump with me, as after my speech was over the two young men could have a joint discussion. To this my young friend consented, and he went next day to Quincy. The two youthful champions buckled on their armor, and we had from them a most interesting, ani-

mated, and able discussion. One more encounter followed upon the ensuing day, and the young men both retired from the canvass, after doing themselves great credit, and introducing themselves most favorably to the public.

The canvass ended by giving me four hundred and eighty-four votes majority, and my friend Abbott, who ran with me, led his nearest opponent two hundred and sixty votes. Houston was reduced to a majority of forty votes in this county, and was beaten by Bennett one hundred and eighty-two votes.

Abbott was one of the best of men, a substantial farmer, of considerable wealth but no pretensions. He had been reared in this country when there were few advantages of education, but he had vigorous common sense, and great fairness of mind. While in the legislature, he acquitted himself with judgment and discretion. But he was a very modest man, and when his friends tried to draw him out upon his legislative experience, he drawled out one unvarying reply, "Well, I reckon me and Davis did as well as any of them."

In November, 1857, I was elected to Congress, which dissolved a law-partnership which I had formed with Houston in June of that year. The firm of Houston & Reynolds, since so well-known, was then formed, and became, perhaps, one of the strongest firms in the State.

When Mississippi seceded in January, 1861, Colonel Reynolds raised a company for the war, which received the name of "Vandorns." The Vandorns formed part of the Second Mississippi regiment. It was sent to Virginia, and was engaged in many battles — always in the front when the call came for duty. Reynolds rose to the rank of colonel, and in one of the last deadly days around Richmond, he received a wound which cost him his left arm.

A year before this, he had married the beautiful and accomplished daughter of Colonel Young, of Waverley, Lowndes County, Mississippi. Colonel Young was a man of wealth and high social standing, and his elegant home at Waverley was a centre of refined and extended hospitality.

When the war was over, Houston & Reynolds resumed the practice of law in Aberdeen, and the firm occupied a commanding position in the State until the death of Colonel Reynolds in the fall of 1887. As a speaker, Reynolds was fluent, persuasive, and plausible. He prepared his cases with care, and managed them with ability. In conversation and manner he was always agreeable. There was something in his address both bland and sprightly, which made him a most pleasant companion, and was one element of his popularity at home and abroad. That he was exemplary in his private and domestic relations cannot be doubted.

CHAPTER XXVI.

IN that period between the Mexican war and the war of secession, Aberdeen grew rapidly in population, business, and wealth. Situated at the head of steamboat navigation on the Tombigbee River, it was the commercial centre for a large region of country in north Mississippi and western Alabama. All that country was purely agricultural, its chief staple being cotton, and Aberdeen was the sole exporting point.

The capacity of the river was equal to steamboats of large draught, and I have seen boats leave the wharf at Aberdeen with a cargo of twenty-five hundred bales of cotton. At that time we were shipping forty thousand bales every season. Our imports were necessarily heavy, as the manifold wants of this large region were supplied through the Tombigbee River. This made the trade of Aberdeen immense, and caused a proportionate increase of wealth and importance. Great expectations were formed as to its future expansion, but these hopes were disappointed by our own ignorance and folly. The Mobile and Ohio Railroad was then in progress, and the engineers employed in locating it came to Aberdeen, and

offered to come through this place in consideration of a bonus of one hundred thousand dollars. Our people were entirely unacquainted with railroads and their possibilities. With an unwise economy they refused to pay the sum demanded, and the road was carried eight miles west of us.

Thus we carelessly threw away the golden opportunity of securing the permanent prosperity of our town. If the proposition made by the Mobile and Ohio Company had been accepted, Aberdeen would to-day be a city of not less than thirty thousand people, and with large commercial prosperity.

Soon after we had committed this fatal blunder, another scheme engaged our attention. This was the project for connecting New Orleans with Nashville, Tennessee, for which purpose a charter had been obtained to construct the "New Orleans, Jackson, and Great Northern Railroad," *via* Aberdeen. The attention of our people having been favorably directed to this project, a contract was made between the Grand Northern and the Canton and Tuscumbia, by which the franchise and assets of the latter were made over to the former. The town of Aberdeen and the county of Monroe subscribed five hundred thousand dollars to the Great Northern. By taking the proper course we could still have induced the Mobile and Ohio to pass through Aberdeen, but we were too ignorant of its paramount importance to make the effort.

The completion of the Great Northern was prevented by the civil war, and we were thus left to struggle for existence, instead of enjoying an immediate and ample prosperity, and taking rank as the most important town in the State.

It was the good fortune of Aberdeen to include among its early settlers many families of such qualities and position as tended naturally to advance the prosperity and social reputation of the place. Of some of these citizens I have already spoken, but there are many others equally identified with the early history of Monroe. In the course of nature, most of them now rest from their labors, but some few have outlived the old South, and are still trying to adapt themselves to the new.

Among the latter number, Captain W. H. Vasser holds a conspicuous place, as he well deserves upon many accounts. Captain Vasser was a very young man when his father removed from Virginia first to Alabama and then to this State. While I was in Mexico, and before I had ever known any of the Vasser family, my firm had been employed in a suit of some magnitude, pending between the father and uncle of Captain Vasser. The suit had been instituted by my partner in the chancery court during my absence, and the deposition of young Mr. Vasser had been taken in preparing for the argument. On my return, it was decided that I should make the argument, and I proceeded to make myself familiar with the facts and law of the

case. In doing this, I was so much impressed by the honesty, impartiality, and perfect fairness of William H. Vasser's testimony that I asked my partner, Mr. Goodwin, who he was. Goodwin replied that he was a son of one party to the suit, and nephew to the other. I said that he was beyond question the soul of justice and honor, and that I should seek an early opportunity of becoming acquainted with a young man of such noble qualities. From that time there began a close and intimate friendship, which lasted unbroken for forty years, and from the wreck of which I have preserved unaltered respect for his integrity, courage, and high standard of honor, as well as unalterable desire for his success and prosperity. If he is at times impetuous in speech and absolute in temper, there have, perhaps, been those among his friends who have resented these characteristics who have been not wholly free from some small share in them. Captain Vasser is a man of fine intellect, and liberal education. He is descended from a good family in Virginia, and his people have always maintained the credit of the family wherever they have gone. His father died shortly after moving here, leaving three sons and several daughters, all of whom have occupied high position in society. One of the daughters is now Mrs. Joel M. Acker, and has always been considered one of the most elegant women of our city. Another daughter married Mr. Sims, a

most estimable gentleman, and among their large family I may refer to my young friend, Mr. B. C. Sims, who has inherited many of the noble qualities of his Virginian ancestors.

I must not omit to mention my friend Mrs. Allan Cox, who, when she was Miss Kate Vasser, contrived to give me as much entertainment as a wild and wilful young lassie could possibly manage to do, even in the course of a long journey. I had the honor of taking charge of Miss Kate and her sister, Miss Jeanie, on their way to school in Maryland. From that journey dates an attachment between those dear ladies and myself which has never varied, although I am sure that my friend Mrs. Cox will admit that only the gentleness and serenity of my temper saved her from a good scolding occasionally when she was more than usually wilful. Captain Vasser married Miss Mary Wade, of Columbus, a young lady of such remarkable beauty that she was called the handsomest girl in Lowndes County.

Dr. Robert Dalton came here from North Carolina, and was for many years one of our most esteemed citizens. Both as physician and gentleman, he was recognized as beyond reproach. He now lives in St. Louis, honored and beloved.

Any sketch of Monroe County would be incomplete without some reference to the three Sykes brothers, who with their descendants have formed so large a part of the business and social life of

the county. The Rev. Simon B. Sykes was the eldest brother. He was a man of great force of character and moral excellence. His fortune was large, and his business capacity made him prominent in all the enterprises of the day. Several of his children and grandchildren still represent him in our community. One of his daughters is the widow of my lamented friend, Frank Rogers, and she is widely known as one of the most delightful and charming of her sex. His grandson, Captain Dred Sykes, has a beautiful home in Aberdeen, and is a popular and rising man.

Dr. William A. Sykes was the second of the original three brothers. He was a man of energetic habits and singularly sound judgment. I have often heard the opinion expressed that he was a man of more quickness of intellect, and of broader views, than any of the family. During the whole of his long life, he was a prominent member of the social and business circles of Aberdeen, and an earnest supporter of the Methodist church. His large fortune enabled him to give his family every advantage of education and style of life, and he left sons and daughters who have done credit to his name. Of his surviving children, there are now two sons and three daughters, living in Aberdeen. Captain T. B. Sykes, the eldest son, occupies the large family mansion built by Dr. Sykes before the war, when, like so many of our large planters, he removed from his plantation to establish his family in town.

Mrs. J. E. Evans, the widow of Dr. Faulk Evans, resides in a handsome home in Aberdeen, and is much admired and esteemed for her many high qualities. She inherits much of her father's clear judgment and firmness of character, and is the centre of a large circle of relatives and friends.

Dr. Sykes used to speak of his son E. O. Sykes as especially my boy, because I appointed him cadet at West Point, and afterwards felt much gratified by the stand he took there. He remained at West Point until Mississippi seceded, and then came home to offer his services for the war. Having obtained the rank of captain, he did true and loyal service wherever stationed. Of one brilliant exploit I must make some mention, although out of the right order of time.

General Joe Johnston was forced to retreat from the city of Jackson upon the advance of General Grant's army. Captain Sykes, although but a boy in years, was left with his company in command of the guns which were to hold the victorious army in check until Johnston could secure his retreat. For more than an hour the position was held, and the little band was almost completely surrounded. Captain Sykes then spiked his guns, and with great skill drew off his command without losing a man. When he overtook the main army, General Johnston expressed great surprise, and said, "I left you to be sacrificed to the necessities of war. You have accomplished far more than I believed possible."

He was afterwards taken prisoner, and was sent to Johnson's Island. From this place he effected his escape, and in various disguises made his way to Tennessee, where he was concealed by the family of his sister-in-law. After many remarkable and romantic adventures, he at length succeeded in getting within the Confederate lines. At the close of the war he began the practice of law in Aberdeen, where he has attained a high position in his profession. His younger brother, Dr. Granville Sykes, is also an esteemed citizen of Aberdeen, and occupies a high place in public respect and regard.

Dr. Augustus Sykes was the youngest of the three brothers who first settled in Aberdeen. He possessed the same general characteristics, but was perhaps of a more ardent and active temperament, and of a more social nature. He was possessed of large fortune, which he lived to enjoy to an advanced age. Although it was his misfortune to survive most of his sons, he left two elegant and accomplished daughters to represent him in his old home: Mrs. A. G. Sykes, who now presides over the family mansion in Aberdeen, and Mrs. E. P. Sale. His son, Dr. Richard Sykes, has identified himself with our neighboring city of Columbus, where he holds a high position in his special practice of treating diseases of the eye and ear.

Prominent in the history of Aberdeen stands forth that great and good man, Bishop Robert

Paine. He was a man of robust frame, with a large head, showing fine development of the organs of causality and comparison. His small dark eyes were shrewd and piercing, and only softened into kindliness at those seasons when business and cares were laid aside, and friendship and affection ruled the hour. I used often to tell him that he looked more like Napoleon Bonaparte than like a great Methodist preacher. But he *was* a great preacher, earnest, forcible, and eloquent, and at times rising into sublimity. I remember hearing him, one Sunday evening, address five thousand people assembled at a camp-meeting. Sermon after sermon had been preached during the preceding days of Thursday, Friday, and Saturday, and still the great gathering remained dull and unresponsive to each appeal. Some of the saints began to fear that their great meeting was to be a failure, and I am afraid the sinners were not ill-pleased by their discomfiture. On Sunday morning there was a fervid address from some revival preacher, whose name I have forgotten. Still no response. Men smoked and laughed and amused themselves on the outskirts of the crowd, where the woods sheltered them from observation, and the young women coquetted with their beaux, and jested with each other as freely as if they were attending a picnic or barbecue.

There was a call for Bishop Paine to exhort, but he refused, saying that so many efforts had been

made to move those stubborn hearts in vain that it was useless to do more. The call was repeated, and I remember the bishop's look when he rose, and said, "I am the servant of the Lord of hosts, and woe unto me if I speak not his message whenever and wherever called upon."

He took no text, but plunged at once into a sort of exhortation and pleading, and for an hour and a half his words flowed in a vivid torrent. His brain seemed vivified by a strange power, his heart aflame with passionate appeal, and his tongue touched by fresh inspiration. I thought I had never beheld a man more exalted by his subject. He was by turns an ambassador charged with the commands of the King of kings, an evangelist bringing promise of pardon from the Saviour of sinners, and a messenger bringing words of love from the universal Father. The crowd were at first hushed into attentive silence, and then broke into a storm of emotion. Men, women, and children fell upon their knees, weeping and crying for mercy. There was a great revival, and hundreds of converts. The big camp-meeting was a success.

While this country was more sparsely settled, with fewer places of worship than we now have, these camp-meetings were held every fall, and were occasions of much social enjoyment. Tents were erected, and families would carry with them ample supplies of provisions for the entertainment

of their friends. Many good people believed that much service was rendered to the cause of religion by these seasons of preaching and religious excitement. There was generally a crowd of new converts made; and if most of them fell from grace when the excitement was over, they were, perhaps, none the worse for their temporary piety, and there were some who remained true to their professions.

Bishop Paine did not gain his great reputation alone by his gifts as a popular preacher. He was admitted to be at the head of the conference as a man of administrative ability, and in matters of finance he had no equal. He would have made a famous banker.

Bishop Paine lived to old age, and died some years ago, universally beloved and respected. His children and grandchildren occupy the old homestead, still presided over by his venerable widow.

My pen lingers over the old names so associated with the early history of Monroe County. There was that good man and most honorable gentleman, Benjamin Bradford. The Bradford place was a fine old brick mansion, surrounded by noble shade trees, and embellished with beautiful gardens and orchards. The poet might have been describing this place when he wrote:—

“ In that mansion used to be
Free-hearted hospitality;

His great fires up the chimney roared:
The stranger feasted at his board."

Those who were young in those days before war and change and death broke up that happy household remember how it was the centre of all that was gay and bright in the social life of Aberdeen for years. Mr. Bradford was a gentleman of great culture and refinement, and a most genial and delightful host. His wife was a lovely woman, and they had a charming family of accomplished sons and daughters. No people ever enjoyed the ease, refinement, and luxury which wealth brings in a more liberal and generous fashion.

All this belongs to the past now. The old homestead has fallen into other hands, the old people sleep in their quiet graves, and their descendants are scattered. The brave old days are like a dream of the night, scarcely to be remembered in the realities of to-day.

Among the earliest settlers here were the four Prewitt brothers, — Abner, Dyer, Kirk, and Mark. They were intelligent, worthy Christian men, who possessed large estates, and lived useful and blameless lives. The bond of family affection and confidence was strong between them, and they lived together in unity as became brethren. I remember one exception to this harmony of action about which Dyer Prewitt used to speak with a whimsical humor which gave some amusement to his friends. Colonel Abner Prewitt's son-in-law was

candidate for sheriff, and Abner said to his three brothers that it was their duty "to stand up for the family" without regard to party or prejudice. They did so, and their man was elected. After the expiration of his term, the son-in-law of Kirk was candidate for the same office. Again the brothers "stood up," and brought success to the family.

Then Dyer Prewitt's son-in-law was nominated by the Whig and Know-Nothing parties for the legislature. All the family were Democrats of the General Jackson school, and were as resolute in their convictions as Jackson himself. Abner, Kirk, and Mark all refused to vote for Mr. Barker, and Dyer naturally felt aggrieved. He went to his brothers, and demanded some explanation of their peculiar theory of "standing up for the family." He said, "When brother Abner's son-in-law was candidate, it was brother Dyer stand up. When brother Kirk's son-in-law was candidate, it was brother Dyer stand up, but when brother Dyer's son-in-law was candidate, nobody stood up but brother Dyer himself." Abner replied that Mr. Barker was candidate for a political office, and their duty to the party was paramount to all family ties. This may have been good reasoning, but Mr. Prewitt found little consolation in it, when his son-in-law was defeated.

Many descendants of the Prewitts live in and around Aberdeen. Mr. Dyer Prewitt had one

daughter, who was a noted beauty in her day. She married Mr. James Ewing before she was sixteen, and was left a widow with two daughters before she reached the age of nineteen. She afterwards became the wife of Rev. Mr. Barker. Her eldest daughter is now the wife of that jovial and generous gentleman, Mr. William Love, whose popularity has been proved on more than one occasion in our city elections.

There were three of the Ewing brothers who came here at an early day from Huntsville, Ala. Their father had been a man not only of wealth, but of high social position, and of unusual talent for business.

Charles and James Ewing were merchants. Charles married Miss Lisle, a woman remarkable for her piety and goodness, and their son, Dr. Charles Ewing, now living in the family mansion in Aberdeen, has inherited the sterling qualities of his parents.

My old friend and neighbor, General Elisha Strong, removed to this place from Georgia at an early period, and lived to a very advanced age, much respected and beloved. He was a man of fine sense and discretion, prudent and successful in business, and most exemplary in all the relations of life. His manners were eminently kind and courteous, and to the very close of his long life, he retained his active habits and his interest in all the affairs of the day. Although he owned

large numbers of slaves, his property had been managed so wisely that even the heavy losses of the war crippled his resources less than in the case of most of our large planters, and left him a fine landed estate.

He married Miss Anne Scott, of Georgia, the belle of the county in which she lived. Even in extreme old age this gentle lady bore traces of the delicate beauty for which she had been famous in her youth, and she also preserved unimpaired the strength of mind and loveliness of character which made her a delightful companion when the bloom of that beauty had long faded.

This worthy couple reared a large family, only a few of whom survive them. The old homestead is now the residence of Mr. Thomas Strong, the youngest son of the family.

Miss Georgia Strong, long the favorite song-bird of Aberdeen, and beloved for her many amiable qualities, is now the wife of Dr. Richard Sykes, of Columbus.

Colonel W. W. Troup came to this country while still a mere boy, and still occupies a prominent position among our wealthy and intelligent planters. He is conservative in politics, and a leader in all the agricultural movements of our State. Better than all, he is a man with a noble and fearless nature, and a heart that always beats in truth and loyalty to his friends.

Until a few years ago, Dr. John M. Tindall stood

in the first rank of the medical men of Mississippi. His father moved here from Alabama soon after Aberdeen began to be a village, and Dr. Tindall began the practice of his profession in this place. For some years he had to struggle against adverse fortune, but once fairly launched, his prosperity was assured. From that time until two years before his death, when, broken by age and infirmity, he laid down his practice, he was one of the most eminent physicians of his day. I knew him well, as he was for forty years my friend and family physician. He was a man of powerful frame, and large and massive head. His learning was vast, and he seemed to possess the most wonderful and accurate information upon a great variety of subjects. He conversed with great fluency, and was like Dr. Johnson, who said he loved "to fold his legs and have his talk out."

John Tindall was a good man, honorable and beloved in every relation of life, and an honor to the community of which he was so long a prominent member.

The Whitfields of Aberdeen were originally from North Carolina. As a family they have been conspicuous for wealth and great talent for business of all kinds. Since the earliest settlement of this country, they have held high rank as elegant and hospitable people. Mr. Albert Whitfield, son of Dr. Robert Whitfield, now of Grenada, was born and reared in Aberdeen, and does credit to his

birthplace by his brilliant talents as lawyer and orator. Closely allied with the Whitfields are the Hatch families. Dr. Hatch, the father of the family, built a beautiful home in Aberdeen many years ago. He was a man of fine education and extensive reading. In his youth, he enjoyed some years of foreign travel, after which he settled down to the busy life of a man with large property and many interests. He died about a year ago, having reached an advanced age.

Aberdeen lost another old and much respected citizen about the same time, Mr. Columbus Love. No man was ever more honored and beloved than was this honorable gentleman and good Christian man. Of his contemporary, Colonel Lucian B. Moore, I have had occasion to speak elsewhere.

Colonel Moore's son-in-law, G. B. Buchanan, has been long a popular member of the bar in Aberdeen. He is an agreeable and courteous gentleman, and has much sprightliness of mind and capacity as a lawyer.

Among the first inhabitants of Aberdeen was Mr. Joseph Eckford, who brought a stock of goods and began business as a merchant. He came originally from North Carolina, and his wife was also a native of that State. It is not too much to say that this admirable lady was one of the most remarkable among our early citizens. Her fine mind had received the careful training of the best schools of her day, and her character was

strengthened and ennobled by the firmest Christian principles. For many years a devoted member of the Episcopal church, she illustrated its teachings by a life of modest and consistent piety. So great was the strength and resolution of her character that, although left a widow while her children were still dependent upon her care, she reared them so wisely that they have, without exception, grown up to do honor to her training.

Her daughters are refined and accomplished women, ornaments to society. Her sons take rank among our most successful and progressive citizens. The eldest, Dr. Joseph Eckford, stands prominent as a progressive business man, and the beautiful home which he has recently erected is one of the most hospitable and delightful of which our town can boast.

Mr. Oliver Eckford has also built a handsome residence, placing it upon a portion of the large lot which was the original Eckford homestead. There is not, perhaps, to be found in the town of Aberdeen, or in the county of Monroe, or in the State of Mississippi, a young man more cordially and universally respected and beloved than Oliver Eckford. It is certain that a kinder heart, or more cheerful spirit, or more genial manners could not be found in any age or country. The firm of Eckford & Clifton is one of the most popular and prosperous at this bar, both gentlemen being clear-headed and well-read lawyers, with skill in

debate and a most pleasing style of oratory. Mr. Clifton is a nephew of Mrs. Eckford, and seems to share with her direct descendants the force of character and mind which made her so remarkable. Mr. Charles Eckford is a rising business man.

Not many weeks before the actual outbreak of war, a young friend of mine came to my office to begin the study of the law. Captain Frank Nabers was the son of a prosperous farmer, and had received a good preliminary education. The elder Nabers was a man of influence in Monroe County, and was several times elected to the legislature. He was of a generous nature and had fine natural talent. Captain Frank Nabers inherited these good qualities, as I have had opportunity to know during a steady friendship which has existed between us since he entered my office, a lad fresh from school.

His legal studies were of short duration, being broken in upon by the trumpet-call of war. He answered promptly, going out in the second company raised in this county, commanded by Captain Rogers. Nabers made a good soldier, winning a high character for courage and manhood.

Among my old and faithful friends, I am gratified to reckon that worthy gentleman, James W. Walker, whom I have known these thirty years, in dark days and bright, but have never seen him falter before an enemy or fail to stand by his

friend. He came here from Ireland, and has shown always the Irishman's fearless heart and generous hand. By sheer force of energy, character, and integrity of purpose, he has gained the confidence of the community and much influence with the people.

Many years ago, two brothers, Ulysses and James McAllister, came to this county, and bought large tracts of land near Aberdeen. They were both men of fine qualifications, and most worthy citizens — kind, upright, and hospitable. Ulysses died, some years ago, at his home in Aberdeen, where his venerable widow still resides. James McAllister, generally known as "Uncle Jimmy," still lives, in the enjoyment of a peaceful old age and of many friends.

When I first established myself in Aberdeen, my nearest neighbor was Mr. Herndon, who had removed from Tennessee to make his home here. He was an honorable and accomplished gentleman, and generally beloved. His wife, formerly Miss Holden, of Franklin County, Tennessee, was a most amiable and charming woman. Great intimacy existed between the two families, and much pleasant and friendly intercourse added to the bond as the years went on. Mr. Herndon died early, and some years thereafter his young widow married Colonel McQuiston, of Pontotoc, a gentleman of high and noble qualities. He was the father of Mr. T. J. McQuiston and Mr. Dunbar McQuiston,

now citizens of high standing in our town. Two of his daughters also adorn our society, one the wife of Mr. Oliver Eckford, the other Mrs. Dred Sykes.

At the time I first knew the family Mrs. Hern-don's home was brightened by the presence of her younger sister, the fascinating and entertaining Miss Fanny Holden, afterwards Mrs. Gabriel Rags-dale.

It almost makes me young again to think of gay-hearted Fanny Holden, as she was when I first knew her.

Colonel Lafayette Haughton was for many years a prominent member of the bar of Aberdeen, and was, at the time of his death, chancellor of this district. He had unusual vivacity of mind, and a sweetness of temper that made him always a most delightful companion. In conversation his brilliant wit and pleasant humor never failed, and even in those last years when oppressed by constant pain and infirmity he rose superior to his maladies, until his friends would forget them in the charm of his conversation. He had one merit not always possessed by brilliant talkers—his humor was kindly; he rarely said anything bitter or unkind. I don't doubt that he recalls that fact with pleasure now, whenever he thinks of the days of his earthly pilgrimage.

Among those who helped to build up the county of Monroe must be reckoned the large Evans

family. My old friend William G. Evans was one of the largest planters here before the war. A kinder, nobler, better man never lived. Our intimate friendship began when we were both young, and never varied during the years that followed until his death at an advanced age, some five years ago. I never met him that his face did not wear its cordial smile and his lips utter friendly words. He left a goodly family of sons and daughters to represent him here.

James G. Randall also belongs to the early history of Aberdeen, though he still lives, in his vigorous old age, to take part in the present. He is a man of warm heart and kindly nature. If his temper is impetuous and his speech sometimes bitter, those who have known him longest and best can testify that beneath the bitter outside shell the kernel is sweet and sound.

Aberdeen was still in its infancy when William H. Clopton and his brother, Dr. John Clopton, came here as young men, and began business as merchants. They soon became popular and successful business men, and identified with the interests of the county. Dr. Clopton married the daughter of my friend Jack Abbott, and practised medicine in Aberdeen for many years. William Clopton married a daughter of Colonel Brandon, a man of great wealth and the father of five beautiful daughters. For many years Mr. Clopton took an active part in all the affairs of Aberdeen,

and his genial qualities made him universally popular.

The late Colonel John Holliday was a man of great business capacity, and an exemplary citizen. He married the daughter of General Jesse Spate, of North Carolina, who became a citizen of Mississippi about the year 1839, and was elected some years afterwards to the United States Senate from this State. Mrs. Holliday still lives at her home in this place, respected and beloved for the virtues which have adorned her long life in this community. Many children have grown up around her fireside, some of whom remain to comfort her old age. One of these is the wife of our esteemed chancellor, Baxter McFarland, and another daughter is married to Mr. William Elkin, a prominent banker and man of business in our town, and a most excellent gentleman. Mrs. Holliday lost her eldest son during the war. Acting as staff officer, he was sent at a critical moment to order reinforcements, upon which the salvation of the army depended. As he galloped across the field, he was mortally wounded by a bullet, but gallantly upheld himself until he reached the general in command. With one last effort he called out "Reinforce the right," and fell dead from his horse. I cannot bring this long chapter to a more fitting close than by this mention of this youthful hero who laid down his life for love of home and country.

CHAPTER XXVII.

AN important election was pending when I reached home. Colonel Joseph W. Mathews, of Marshall County, was Democratic nominee for governor. He had great practical sense, but was neither brilliant nor oratorical. He was peculiar, and extremely pleasant. To hear him speak was like listening to a well-told narrative, and you could almost suppose you were listening to his personal experience of public events, and observations upon men and things. In all this he had the faculty of being earnest and impressive.

In those days it was not difficult to conduct a Democratic canvass; because they had no particular affirmative principle. It was a party of opposition and negation, and had so been from the beginning of the general government. The Constitution of the United States having been adopted by the States in convention, Congress met to enact such laws as were necessary to put its powers in motion, and to formulate the same. It then became needful to inquire into the grants made by the Constitution, to determine the features of the new born government. Consultation was held over every measure proposed, and the inevitable

conflict of opinion resulted in the formation of opposing parties.

One portion of the members of Congress insisted upon a rigorous adaptation between the measure proposed and the grant of power set forth in the Constitution. Opposed to these were such members as were in favor of such liberal construction as would make the adaptation relate to the measure and common good of the whole nation. These parties took the names of Republican and Federal. The Democrats of to-day were the Federalists then. The Republicans took the affirmative, and proposed measures founded upon the liberal construction which they favored, while the Federalists assumed the negative, and opposed with zeal and ability every measure advocated by their opponents. As soon as the various departments of government were organized and set in motion, the great question of currency naturally became agitated.

The Republican theory that a currency of equal efficiency in every portion of the nation was indispensable to its prosperity found its expression in a measure proposing a United States Bank. The Federalists denied that this was one of the objects of the general government, and opposed the bank upon constitutional objections. This first party difference created an extraordinary bitterness, which has never abated. The Republicans charged that the Federalists composed a party destitute of

principles. The Federalists replied that opposition was in itself a principle.

The Federal, or Democratic party has had comparatively an easy part to sustain, because he who takes the affirmative side of any question assumes the whole burden of proof. Complaint is easily made, and obstinate assertion requires neither knowledge of facts nor skill to reason upon them. To give an illustration: As to tariff, men say that the duty increases the value of the commodity to the extent of the duty. Suppose the duty to be two cents upon a yard of calico. This duty becomes revenue for the government, which revenue must be had from some source. If it is not obtained from duty, it must be raised upon some other system. What other system does any one propose? Those who oppose the tariff do not, or will not, or cannot suggest any better method.

The question then resolves itself into this, Shall we pay the government expenses in a way that can be understood by all, or trust to measures of which we know nothing?

Colonel Mathews excelled in the art of scolding, and was, therefore well adapted to the requirements of his party. He also referred with some success to the triumph of the Polk administration in war with Mexico, and to the magnificent domain he had added to our already vast territory.

In the district in which I lived, Colonel A. K. McClung and W. S. Featherston were the rival

candidates for Congress, and I had the pleasure of hearing them on two or three occasions in joint discussion. They were both able stump speakers, fluent, and well-informed upon the political history of the country; and each could point to a record of brilliant service on the battle-field. Colonel McClung had been side by side with Colonel Jeff Davis in the splendid charge of the First Mississippi regiment at Monterey, and had been severely wounded upon the walls of the fort. This wound had confined him to his room for six months, and he pointed to the crutches upon which he leaned as being in themselves sufficient tokens of his claims upon the popular vote, he feeling himself in no wise inferior to Featherston in honesty or intellect. It was manifest that a strong sympathy was everywhere felt for the crippled hero, but this was overcome by the paramount consideration of individual loyalty to party, and Featherston was elected. Very possibly it is from this defeat, which he took much to heart, that we may date the first symptoms of that deep melancholy which afterwards clouded the noble spirit of McClung, and which culminated in the awful tragedy of his self-inflicted death.

Mississippi has never sent a more worthy representative to Congress than was Featherston. He was truly an honest man, and acted upon matured and deliberate convictions of duty. Familiar with practical life, his judgment of the effect of measures upon the affairs of the country was excellent.

In this campaign of 1847, there was a most exceptional absence of anything like bitterness in party antagonism throughout Mississippi. Perhaps the explanation may be found in the fact that the whole State was intoxicated with pride and joy over the glorious conclusion of the war with Mexico. In this common exultation party animosities were forgotten, and public feeling rose to a flood-tide of joyous and boastful self-confidence. It was, besides, a time of boundless prosperity. Agriculture flourished. Money was abundant and easily obtained, and food cheap and plentiful. The horn of plenty seemed to have been emptied upon the smiling land, and oratory and song and feasting filled up the glad days of that beautiful autumn.

This unexampled prosperity was soon augmented by the discovery of gold and silver mines in California, and in other States formed out of territory acquired from Mexico. All the prairie and bottom lands in Mississippi rose at once to seventy-five and eighty dollars per acre. At that time, our people raised immense quantities of meat and other provisions, and great numbers of horses and mules. Not a pauper could be found in all the length and breadth of the country.

Our cup was filled to the brim with the sweet and sparkling wine of success and prosperity, and crowned with the roses of joy and hope. Alas, there are some of us who have lived to see the

cup cast down upon the ground, the bright vintage wasted, and the roses trampled under foot! It is the old story, as true of nations as of individuals. Let a man live long and see good days, yet the end comes, and behold vanity and vexation of spirit! Our day at least was a bright one at its meridian.

Eighteen hundred and forty-eight brought another election for President. Early in the spring, party spirit began to awaken into vivid action. The Whig party had quickly announced that General Zachary Taylor, the hero of Monterey and Buena Vista, was the man of their choice. As a soldier, he was almost adored by the people, but when he became a politician, no one could say what views he held in regard to the science of government or great national measures. He had, while still in Mexico, written a letter in which he expressed strong feeling for free soil. This letter had produced some disgust in the Democratic party, especially in the South, where the tie of personal affection for him was strongest. His views upon this measure made him a great favorite with the Republicans, while admiration for his military fame secured to him the vote of the Whig party.

Taylor had spent his life in camp, and his soul was absorbed in warlike pursuits. It was impossible that he should lay aside in his old age the absolute ideas of arbitrary rule fostered by so

many years of military discipline, and become imbued with the conservative theories of civil administration. He was a soldier by nature and habit, and those niceties of powers and limitations and safeguards which form so subtle a part of statesmanship, and which are so necessary to preserve the liberties of a free people, were both odious and incomprehensible to him.

The intelligent voters of both parties understood this, and yet either party would have taken him as a matter of expediency. It would have given pleasure to almost every man in America to vote for him, and thousands upon thousands deliberated long between duty to country and affection for the great chieftain, before casting their votes against him. His virtues were of a kind that appealed most vividly to the popular imagination, while his faults were those most readily condoned by the masses of the people.

The opposition might charge that he was both hot-headed and obstinate, and that he was totally ignorant of the true sources of national prosperity. In reply, the least-gifted speaker had only to rant about Monterey, and to tell how at Buena Vista a minie-ball passed through Taylor's coat, and he turned to his staff officers, saying impatiently, "Why don't you get back under the hill? I told you somebody would be hit presently if you were not more careful." How he gave the famous order, "A little more grape, Captain Bragg;" and how

the great hosts of the enemy melted away before the conqueror. Tales like these were received with shouts of applause, and the colder appeals of prudence and policy fell upon ears deafened by these plaudits.

With the chances of such a candidate upon the Republican ticket, it behooved the Democrats to exercise great discretion in their choice of a standard-bearer. Mr. Cass was generally indicated as the favorite of the party. In the spring of that year both parties held their conventions. The Republicans adopted the usual platform — United States Bank, internal improvement of creeks and rivers within the limits of the States, and tariff for revenue and for protection of our industries. They then nominated General Taylor for President.

The Democrats adopted a platform of opposition to bank, to internal improvements, and to tariff for revenue giving incidental protection. They nominated Cass.

I remember that canvass well, and the stubborn energy which characterized it to the end. There has been no canvass since conducted with more zeal and fervor.

The Taylor banners were inscribed with the names of battle-fields and flaming pictures of blood and carnage, and fervent appeals were made to the soldiers who had followed him to glorious victory. The Cass banners were full of civic honors and the victories of peace; but these triumphs

showed dim and pale, contrasted with the lurid glories of the battle-flags of Taylor. Everywhere the canvass became stormy, and the storm soon rose into a tempest. The people, out of their abundance, supplied the materials for vast barbecues, in which both parties united for joint discussion, often continuing for days together.

I remember most distinctly one barbecue at Columbus, attended by a great multitude of people and an unusual number of speakers. Among others, there was William K. Murphy, of Eutaw, Alabama, who had the reputation of being the orator of the State, and a man of infinite humor. His fame had preceded him, and the audience displayed much eagerness to hear him. Many took their seats at an early hour so as to secure places near the speaker. Murphy began at the appointed time, and spoke handsomely for about thirty minutes. Suddenly he faltered, became panic-stricken, and sat down.

On the evening of the same day, he was taken to Aberdeen, having promised to address the people there. To our great vexation and disappointment, he made exactly the same failure which had mortified him at Columbus. He returned to Columbus; and, as the joint discussion was still in progress, another opportunity was offered him, which he accepted, only to fail again.

In conversation with me afterwards, he referred to these mortifying occurrences, and said, "I can

imagine no cause for such unusual embarrassment, except the fact that I have been deeply impressed by the reputation Mississippi has everywhere gained for the ability and eloquence of her speakers." This was a high compliment to our State, especially when offered by such a practised stumper, as Murphy undoubtedly was. But the real cause of these unaccountable failures which so often overtake men of undoubted strength and skill lies so deep in our nature that it eludes all investigation.

That a man, ordinarily cool, bold, and ready, should suddenly, without apparent cause, find himself stricken with a panic, clouding his faculties, paralyzing his will, and leaving him dumb and nerveless in presence of his audience, is one of the mysteries of our being. It may be mental—some cloud passing over the mind, and darkening its perceptions. It may be physical—some strange numbness deadening the nerves, and freezing the molten stream of eloquent thought that but a moment before rushed from the ardent brain through the nimble tongue. We can only conjecture upon the source of this vague terror, which overpowers both the strong and the weak, and makes cowards of the bravest.

I sympathized profoundly with Murphy, because this ordeal, which must occasionally be gone through with by all men, came to him in a moment of anticipated triumph, and when great

crowds of strangers were present to witness his discomfiture. Many years after this he fell dead in the city of Selma, immediately after making a speech of six hours in defence of a man charged with murder.

The campaign proceeded with great spirit. Discussion was more than usually difficult throughout, because no man dared to breathe a word against the honor or purity of General Taylor; and the private and public character of Cass was simply above reproach. I do not think it was much the custom of those days to indulge in the unseemly abuse so common now. Men carried into politics the same fair and honorable dealing which was their practice in private business.

General Taylor was elected, and the change from the active habits of a hardy soldier to the luxurious inaction of the White House proved fatal to the veteran. In a short time he sickened and died, profoundly regretted by the nation. The Vice-President succeeded him, and made a satisfactory first magistrate.

CHAPTER XXVIII.

ALL this time the ill-feeling between the sections had been growing wider and deeper, and nowhere more rapidly than in the State of Mississippi. A spirit of disunion was becoming rampant, and soon became vindictive, so that opposition to it could not be expressed with safety. This was the beginning of that bitterness which intensified and expanded until its culmination in 1861.

It was insisted that the States and the general government were coördinate, and that the power to judge, and the right to resent, infractions of their mutual compact belonged alike to each. It was charged that a combination had been made by the free States to destroy the institution of slavery in the slave States by means of powers to be exercised through the general government. This was held to be an infraction of that voluntary compact which alone held the States together, and therefore the Southern States were released from bonds already broken on the other side, and had the right to withdraw peacefully from the Union.

From the first, I doubted the correctness of this theory, and universally maintained that secession would prove to be only another name for bloody

revolution. Nevertheless, whichever might be the right interpretation of the Constitution, I was in favor of war if necessary to secure our rights. I do not desire that it shall anywhere be understood that I was not heart and soul with my own State all the while; that I was not for war, if the disturbance of our domestic institutions justified this final appeal. I was, perhaps, as active as any other man in fanning the flame of what I believed to be righteous anger, but I suffered a profound regret. I was proud of my citizenship of this grand Republic, and sorrowed over the possibility of disruption.

It has been said that great battles are won before they are fought, and it was so in this case. The tremendous result was brought about by no single individual, and by no special act or resolution. Rather it was the inevitable consequence of a great current of popular passion, resistless in its force, and sweeping everything before it. Nations, like individuals, seem to rush blindly along the path they blindly choose, and Heaven itself cannot save either from the calamities they bring upon themselves.

During the session of Congress of 1848-49, the Southern senators and representatives, under the lead of Mr. John C. Calhoun, prepared, signed, and distributed an address, suggesting the utter abandonment of party in the South; the establishing of close union among her people against abolition

influences, and the selection of the most competent men for office.

Upon reading this document, I immediately determined to avail myself of the opportunity to make defence before the people in regard to some insidious charges made against me as colonel of the Second Mississippi regiment; and also to test the sincerity of the recommendations made to the people in the manifesto. For this purpose, I declared myself, in the early spring, an independent candidate for Congress, and announced that I would make a canvass before the usual time for holding nominating conventions.

My professional business that year, especially my criminal docket, was extremely heavy, but I knew it could not be affected by this rupture with my party, intended, as it was, to be of such short duration. The attitude of independent candidate is of necessity one of defiance and challenge, and invites attack from all quarters. It is, perhaps, for this reason chiefly that the position has its own fascination. Deep in the recesses of man's nature there lies hidden a certain love for antagonism, and delight in conflict for its own sake. I prepared myself with proof against the aspersions of my enemies, and held the address in my hand to warrant my political movement. Thus equipped, I went forth, not without pleasure, to the battle.

The term of the federal court for the Northern District of Mississippi was appointed for the first Monday in June, 1849, at Pontotoc.

A fearful epidemic of cholera prevailed all along the Mississippi River from New Orleans to St. Louis, and spread eastward as far as Pontotoc, though the disease was of mitigated violence as it penetrated the interior counties. At Pontotoc the cases were generally called cholérine, but some few persons developed the genuine Asiatic cholera. There was, of course, much anxiety and alarm throughout the country.

Our Congressional district extended from the Tombigbee River to the Mississippi, and included two tiers of counties, beginning on the Tombigbee with Monroe and Lowndes. My business in the federal court would detain me one week, and I determined to begin my canvass in Yalobusha County, go west, and return through the southern tier of counties to Columbus. Appointments were sent out accordingly.

The federal court met at Pontotoc on the first Monday, as provided by law, and most of the lawyers, parties to suits, jurors, and witnesses assembled at that place on Sunday night. It was a miserable crowd, each one expecting to be attacked by cholera before morning. A council was held that night.

Without a dissenting voice, it was agreed that the court ought to adjourn on Monday morning until court in course, and every one allowed to go home as speedily as possible. Up to this point the unanimity was remarkable, but no one was found

willing to make the motion. An absurd fear of being thought afraid to face a danger which no rational man ought to be willing to encounter without good reason made each man shrink from the duty. It so happened that circumstances relieved me from this fear. My canvass made it necessary for me to remain in the cholera region for two weeks, and I therefore proposed to bell the cat for them, if they so desired, and make the necessary motion. This was agreed upon.

The next morning, as soon as court met, and before the jury was organized, I made a motion to adjourn until court in course, giving as a reason the great and unnecessary danger of remaining longer in a place infected by cholera. Upon this, almost every lawyer present arose, and declared that, in his opinion, the danger was imaginary, and the alarm unnecessary. This unexpected conduct naturally made me indignant, and I withdrew my motion, stating that I had no personal interest in the matter, being pledged to remain in the district whatever happened, and that I had merely acted by what I had supposed to be the request of my brother lawyers. In a moment consternation seized upon all those brave gentlemen, who sprang to their feet, and implored me not to withdraw the motion, and confessed that they regarded the danger as most imminent, and believed that it would be madness to hold court under the circumstances. It was thereupon agreed that court should be ad-

journed as soon as pleadings could be made up, and the chancery docket disposed of. The judge dismissed all jurors, witnesses, and parties to suits, who lost no time in departing. Chancery docket was taken up, and the court adjourned until morning.

At midnight the judge was taken violently ill with cholera, and before day his life was despaired of. When the sun rose that morning, the judge and my unworthy self alone remained to represent the court of the preceding day, so that term ended. Although so ill, the judge finally recovered, and I had the good fortune to escape altogether.

In a few days I set out upon my canvass of Yalobusha, Tallahatchie, Carroll, Choctaw, etc., and was gratified to find the people ready to accept the recommendations of the address, and me as the man of their choice.

Upon reaching Choctaw, information was received that the party leaders were unwilling to accept the programme indicated in the address, and were preparing to continue the old party warfare. For this purpose, the Democrats had selected General W. S. Featherston as the probable nominee of their party, and the Whigs meant to put forward William L. Harris, a lawyer of high reputation, and at that time a partner of my friend, James T. Harrison, of Columbus.

This information induced me to send a note to

each of these gentlemen, inviting them to join me in discussion when I should reach Columbus several days thereafter. I continued to fill my appointments in the mean while.

When I got to Columbus, the friends of Featherston notified me that he, for party reasons, would not discuss. Harris, accompanied by some of his friends, called on me in person, and said he had not exactly determined what he would do, but would announce his action at the close of my address.

The Democrats were uneasy about my ultimate course, and awaited further development before attacking me. The Whigs were most anxious to keep me in the race, and resorted to subterfuge to induce me to continue.

When the hour for speaking came, I found an immense audience assembled at the court-house. Many ladies were present, and these were mostly in sympathy with the Whigs, as, in fact, was also the case with a majority of the male portion of the audience. I observed in one corner a knot of the most intelligent and influential Democrats of the place, and it was not difficult to perceive that they were far from cheerful or confident.

I had made twelve or fifteen speeches, and had gone over the ground of debate until my argument was methodized, and almost committed to memory. My journey from fact to fact was made with the ease of one who travels upon a familiar

road, and my speech was received with flattering applause often recurring. Near the close, I made a vague intimation that this speech might close my canvass. The Democrats received this hint with enthusiastic approbation.

Mr. Harris announced that he would reply after dinner. The Whigs made but feeble demonstration. It was settled that my rejoinder should be made immediately after his reply. This produced prolonged shouts from the Democrats, as they believed that it settled my position.

When I left the stand, I was honored by many gracious smiles from the gallery, and not a few cordial greetings from friends of both parties. One of these I recall particularly. It was given by Major Blewitt, a man well known at that time throughout the State. He was the largest planter in northeast Mississippi, and his home was famous for its elegance and beauty. By birth a South Carolinian, he had descended from an old and wealthy family, and had received every advantage of social and scholastic training. He was a noble gentleman, and held in great esteem by all who knew him. His son, General Thomas Blewitt, still lives, and his daughter is the widow of James T. Harrison.

Major Blewitt sought me out, and spoke very handsomely of my speech and the impression it had given him of my ability. He said he regretted that his friend W. L. Harris had decided to reply,

as he thought he would do himself no credit in the contest.

He added, "It is not my habit to drink anything, but I should like upon this occasion to join you in a glass of ginger pop." I acknowledged my feelings of gratitude and pleasure for all the kind opinions he had expressed for me, and accepted without hesitation the beverage he offered, though I am not sure that it was of a kind I would myself have chosen. It must needs have been a bitter draught indeed, not to have been rendered delicious by such praise from such a man. Exhilarated by this potent cordial, I returned in good spirits to the court-house. The crowd was immense, and included many more ladies than had been there in the morning.

William L. Harris was a noted speaker, with large information and great purity of diction. He was admired and respected by all classes of the people, and was the leader of the Whigs in Columbus.

The Whigs turned out *en masse*, and the Democrats, regarding this as a party fight, turned out in full force, and stood ready to sustain me by applause. I observed, as soon as I entered the room, that Harris had with him on the stand some five or six volumes, from which he meant to read. Seeing this, I turned to a friend, and said, "There is nothing to fear. The audience will not listen to a speech broken by extracts from big books."

Harris began, and it was soon evident that the matter of his speech was crude and undigested, that his argument was not well planned, and that he was driving his mind forward by a sort of physical force, rather than by coercive continuity.

He bore himself manfully, ever struggling to bring order out of the wilderness of confused ideas which he had evolved in endeavoring to make clear to others that which was not clear to himself. Sometimes the power of his oratory asserted itself even against his want of knowledge of the subjects discussed. Once in particular, a brilliant metaphor flashed upon his audience, fair as the morning-star gleaming through the murky vapors of a wintry dawn, and the Whigs shouted with delight when they saw its beauty. I was irritated by the triumph, which I hoped was premature, as I was certain that his own metaphor could be turned against him with overwhelming effect. It was necessary to bide my time.

Great applause followed the conclusion of his effort. In my reply, I passed rapidly over the points at issue, until the moment came to throw back upon him his own metaphor. I succeeded beyond my hopes, and was rewarded by furious and long-continued applause. Major Blewitt was sitting by Harris, and he said, "Harris, he has got you!" Harris responded, "Yes, major, and very badly."

My speech was concluded by the announcement

that I should make but one other speech, and then retire from the race, which caused the Democrats to throw up their hats, and shout their approbation. I had vindicated myself against unjust aspersions, and had also exposed the demagogery of the famous address to the Southern people.

A few days later, I made in Houston, Chickasaw County, my concluding speech. The audience was large and enthusiastic. I closed my remarks saying that it had been charged that "my object in this canvass was to defeat your favorite son, W. S. Featherston. To show you that I have no such intention, I promise to withdraw if only fifty men in this large crowd will request me to do so by holding up their hands." Ten hands only were raised. I then asked if twelve men would signify their wish for me to withdraw, but they were not found. Satisfied with this indorsement, I announced my predetermined withdrawal from the race. Featherston was elected by a great majority.

In the year 1849, a governor and members of Congress and of the legislature were to be elected. The Democrats met in June, and nominated General John A. Quitman. His laurels won in Mexico were then fresh and green. Men of all parties were inclined to vote for a man so covered with glory, and he was elected by a brilliant majority. His inauguration was made as splendid as possible, and all that military pomp could do to add grandeur to the occasion was added. Governor

Quitman was dressed in the uniform he had worn in Mexico, and mounted upon a white war-horse, with gorgeous trappings. Maidens dressed in white strewed flowers before him, and sang "Hail to the chief who in triumph advances!" Gayly-dressed ladies filled the sidewalks, crowds shouted, bands played, and a gallant procession followed the governor to the Capitol. It was a gay and happy scene, and our people delighted above measure in such pageants. In those merry and prosperous days, the Southern people gave themselves up joyously to any popular enthusiasm, and anything bright and spectacular appealed most pleasantly to their imaginations. Especially did they delight in the excitement of crowds, the fanfare of trumpet and drum, and the appeals of popular oratory.

The contest between rival candidates for Congress was in that year very hot and angry. In this district Featherston was again nominated by the Democrats; and my old adjutant, John A. Wilcox, was chosen both by Whigs and Independents. Wilcox was a handsome, jovial fellow, popular with men, women, and children, and famous for his anecdotes. He had little political information, but his perception was keen and clear, and he caught up ideas as if by magic. The friends of both candidates exerted their whole strength and influence, and brought out a full vote. Wilcox was triumphant, and Featherston went back to his

profession, until called from it by the war. Wilcox was indebted to his wit, humor, and anecdote, and to his personal magnetism, for his success.

All the other congressional districts in the State were carried by the Democrats.

CHAPTER XXIX.

THE year of 1850 was notable chiefly for the gold fever which broke out in consequence of reports from California of immense wealth discovered there.

Several companies were organized here, and they marched overland to the mines, willing to endure any hardship in prospect of such fabulous rewards. Many of these adventurous spirits found only a nameless grave as the price of all their toil and suffering. Few of the survivors accumulated any considerable fortune, and there was not perhaps one of them who could not have prospered more at home, while enjoying all the pleasures of family ties and civilized life.

At this time my practice extended over ten or twelve counties, and many complicated murder cases made the labor extremely heavy. The most interesting trial which occurred during this year was the defence of a Mr. Toland, charged with having, in connection with one Mr. McCann, murdered his own father, in the county of Lowndes, some ten miles west of Columbus. The testimony was entirely circumstantial.

It was charged that McCann had secured the

affections of Toland's mother, and that it was agreed between them that her husband, who was much older than his wife, should be murdered, and that McCann should then marry her, and thus secure the old man's large estate.

Young Toland was only about seventeen years of age. It was necessary to obtain his aid in the matter, and to do this the allurements of gold were spread before him. The father and husband started for Columbus one morning, and was followed by McCann and the son, who were seen at various places during the day, under circumstances which were afterwards considered suspicious. At one time they were seen upon a bridge over the Tombigbee River, apparently in secret conversation, and having a gourd full of powder. Late in the evening, the elder Toland left Columbus for his home, and was soon followed by McCann and young Toland, who overtook and passed the old man by the way. After getting within a few miles of Toland's house, McCann left the road, upon a pretext of getting supper at a house near by. Young Toland went on. The old man was seen to pass half an hour later, and then McCann followed. One mile and a half from this supper house, a man on horseback was seen in pursuit of old Toland, and a pistol shot was soon heard.

Next morning the body was found, concealed behind a log, with a bullet mark which showed it was shot by a man on horseback. McCann and

young Toland proved that they had reached their places of abode before the hour when the pistol-shot was heard.

McCann, however, became alarmed and fled the country. He was caught and brought back, and tried, convicted, and executed. Young Toland was committed to jail in Columbus, and his able counsel, after continuing his case for seven years, changed the venue to Monroe County.

At the next term of court, the case was set for trial, and Mrs. Toland came to me and offered me one thousand dollars to aid in the defence. I agreed to this proposition, but her counsel already employed objected to her action, and the matter dropped. Toland stood his trial and was convicted.

Mrs. Toland then came to me in an agony of despair, and implored me to take the fee and make one last effort to save her son. I told her frankly that all efforts would most likely prove unavailing, but I would undertake to do my best, if she would be satisfied with that.

Harrison and I went to work, and succeeded, upon some technicality, in gaining a new trial. Defendant was again returned to jail, which had been his abode for so many weary years. At the next term of court, he was again brought out for trial. It was at that time the practice for the court to order the clerk to issue a venire to summons fifty jurors to be in attendance upon the court to try the case. This was done.

I was informed that one of the men summoned had said, "Davis will not dare take me on his jury, he knows I would hang his man." The case began, and soon this man was called, and came up to the stand. The prosecuting attorney had heard of his remark, and accepted him instantly. I promptly said that I would take him. He threw up his hand and said, "For God's sake, Davis, stop." I replied, "Sir, we have a good defence — we are not guilty. We want honest men, with large brain and clear powers of analysis, and knowing you to be such a man, I ask nothing but your faithful services. Take your seat in the jury-box." He was an intelligent man, and honest in his convictions, but his vanity was excessive and I determined to play upon that. The trial was protracted, but throughout the whole of it this man manifested the closest attention and interest. He was exerting his newly-found powers of analysis.

In my argument I took this one man's facial expression as the exponent of the average feeling of the jury. I addressed their feelings of duty, compassion, caution, and vanity, through what he showed to be his. I endeavored to show them how nice the distinction must be between actual proof of guilt and that presumptive evidence which might lead to the ghastly tragedy of official murder.

The defendant bore himself stolidly enough, even when the jury retired, but when, after an in-

terval of fifteen minutes, they returned with a verdict of "not guilty," he fainted and fell as one dead upon the floor. His mother screamed like a mad woman. She had taken care to provide for her son a handsome suit of clothes, I suppose with a view of being ready for either emergency — an execution or a deliverance. Dressed in this apparel, he quitted the jail next morning, a free man for the first time in eight years. He was a small man, with regular features, and his long imprisonment had given him an almost feminine delicacy of appearance.

In a short time, he and his mother quitted this country and went to the great West, and to this day I have never heard what became of them. How far either, or both, of them were guilty I do not know, as I avoid all confidences from my clients except such as may be useful in their defence. It was enough that there could be found a doubt, upon which a legitimate defence might be established.

This year was especially noted for our prosperous agricultural condition, and for the comfort and cheerfulness which flowed from that prosperity. It was, perhaps, because we had no other grievance, that the slavery question became such an absorbing one, and that the idea of secession took such deep root, and grew and expanded until it possessed the State in 1851. In that year the banner was flung upon the breeze, never again to be furled until it went down in blood.

Jefferson Davis and Henry S. Foote were our senators, and during that winter in Washington they had quarrelled over this question, and a blow had passed between them. From that moment, party rancor had flamed into personal hatred, which no after time or circumstance could mitigate.

The Democratic convention for the State met at Jackson, in the month of June, 1851, to nominate a candidate for governor, and I was appointed among the delegates from Monroe. This was the first and only time I ever served as delegate to any convention, State, county, or district, in the State of Mississippi. At that day we travelled to Jackson by the stage-coach.

I went with the delegates, and, to prepare myself to execute my trust in accordance with the wishes of the people, I passed no man on the route without asking his preference between Jefferson Davis and General Quitman, the then governor. I found that three out of four voters were for Davis; and many said that in a choice between Foote — who it was certain would be the opposition candidate — and Quitman, they would vote for Foote.

The convention met and organized, and a committee of eighteen were appointed to select a candidate and report to the convention. I was put upon this committee, and at once declared for Jefferson Davis, reporting the test observations I had made in journeying to Jackson. This proposition

was met by the friends of Governor Quitman in the most vehement manner, but I held firm, and declared that I was not influenced by personal feeling, but was simply faithful to my convictions of duty to the party and the State.

Upon taking the vote of the committee, it was developed that a decided majority was for Davis. This intelligence went out immediately, and Governor Quitman, with several of his friends, came into the committee-room, and made a direct appeal to the committee. The Davis members remained immovable. We were then asked to delay our report for a short time, and this request was granted. Davis was at this time at his hotel, confined to his bed by severe illness. In spite of his condition of bodily suffering, he was visited and appealed to, and finally induced, most likely from pure weariness, to say that he would not accept a nomination.

When this was reported to the committee, I replied that this was brought about by a sort of compulsion, and that we should remember that here was no contest as to one man or another, but a question as to the interest of the party and the common good of the people. Again the majority sustained this view.

Quitman's friends then betook themselves once more to the sick-room of Mr. Davis, and procured from him a note, addressed to the committee, and positively refusing to accept a nomination. This

is not the only time in my life that I have found it easier to fight for a man against his enemies than against himself.

Quitman was reported to the convention, and nominated by acclamation. The Whig party lost no time in nominating for governor Henry S. Foote, the best stump speaker then living. It was most unfortunate for Quitman, whose style of speaking was poor and flat, that he was obliged to encounter Foote, whose gorgeous imagery and splendid diction carried everything before him.

Mississippi was in a blaze from east to west, and from north to south. The issue involved the exact relation of the States to the general government, and the right of secession. Public feeling was intensified by the danger of emancipation. Both parties were pervaded by a spirit of intolerance, and the presence of ten men at any one point involved the possibility of serious trouble.

I had long been the intimate friend of General H. S. Foote, and felt for him both respect and admiration. It was therefore impossible for me to engage in any personal denunciation of him. I made many speeches during this heated canvass, but always confined myself to what I conceived to be the errors of his positions, or of the principles of the platform upon which he made his race. Our personal relations continued unbroken.

The canvass between Foote and Quitman began at Jackson, and Foote opened by charging the

Democratic party with disunion proclivities. He assailed Quitman and his friends in the most merciless manner.

His satire was so severe that Quitman, after four or five speeches, made it personal, and a blow passed between the candidates, which resulted in closing the joint canvass. This would not have prejudiced the Democratic party, if new appointments had been made by each, and new routes selected, but Quitman and his friends allowed Foote to take the old appointments. Quitman followed two days behind Foote, who filled the original appointments, meeting large crowds composed of both parties, and boasting that he had whipped Quitman and driven him from the field. The Democrats became disheartened, and their campaign was feeble to the last degree.

On my way with my family to the Hardin Sulphur Springs in Tennessee, I chanced to meet with Governor Quitman, and the friends who travelled with him, at one of his appointments in Tishemingo County. The audience was small, and the speeches showed the depressing effect of such small encouragement. After the regular addresses were over, the crowd called upon me. Being in good speaking condition, I made a great effort to arouse the audience, and must have succeeded pretty well, as I received an unusual mark of approbation on the spot, and one which caused a perfect uproar of laughter and applause.

It so happened that a good many of the gentler sex honored this occasion with their presence, among others quite an old lady, who, from the first, gave me a very flattering attention. In the midst of my speech this good lady arose, astonishing the audience and nearly taking my breath away by asking me to stop a moment. My first wild fear that she meant to discuss some question of policy with me — in which case I should assuredly have knocked under without a protest — was relieved when she calmly produced the biggest and finest apple I have ever seen, and said, "Sir, I want to give you this right now, because I like you so well."

Now I claim to be a modest man, especially where the sex are concerned, but I was encouraged by the placid smile of my fair old friend. Coming down from the stand, I accepted the big apple gratefully, and taking the gentle old hands in mine, thanked her with all the fervor I could express, though not nearly all I felt. The crowd roared and shouted, but the old lady looked as serene as if she had no part or lot in the excitement. Forty years have come and gone since that summer day, but it comes back to me as freshly as the roses that bloom to-day. The very fragrance of that apple is present with me now, wafted across how many weary days and changing scenes!

That night, I received an invitation to join Quitman in his rounds, and an offer of fifteen hun-

dred dollars if I would make one speech a day for two weeks. This, however, I refused to do, as I had left home for a pleasure trip with my family, and had no wish to change my plans for the summer.

Some three weeks later, a vote was taken throughout the State as to whether a general convention should be held to consider the question of secession. This measure failed by a majority of seven thousand votes.

Upon this result, Governor Quitman withdrew from the field, and Jefferson Davis was put forward. He had but three weeks for canvass, and after six or eight speeches, he was stricken down with severe pneumonia, and was confined to bed until after the election.

Foote was elected by a majority of nine hundred and ninety votes. In my judgment, then and now, if Davis had been nominated, as he should have been, at the June convention, he would have carried the State by a grand majority. He was stronger in the State of Mississippi, not only than any man, but than any principle. The people had a confidence in his integrity and trustworthiness that surpassed anything I have ever known, and that continues until this day. His name was a magic sound in the ears of all ranks. Much as the people admired him, they loved him far more. In the war of Mexico, Quitman had shown as much heroism as Davis, but there was something about

Davis which captivated the imagination, and exalted him into a hero, dearer than all others to the popular heart. There were others who might even equal him in majestic and persuasive utterance, but when he spoke "the hearts of the people were moved as the wind moves the trees of the wood."

In this contest many Democrats voted for General Foote, believing that the issue involved disunion of the States, and was the first step in that direction. Time showed that they were not mistaken. The party was defeated, but strengthened by defeat. From that defeat the party concentrated all its energies in one direction, and became despotic. Everywhere the cry was, "Obey, or quit the camp."

CHAPTER XXX.

GENERAL FOOTE, at the time he took this departure, was a United States senator, and had still five years to serve. His ability and learning fitted him to adorn this high position, and he was a favorite of the State Rights party. His action was the result of misguided impulse. He could not have considered the ulterior consequences which must inevitably flow from this rash step. A man of far less wisdom might have foreseen the dangers about to arise from the fast gathering passions of a people rendered arrogant and headstrong by much prosperity. He might have read in his Bible how Jeshurun no sooner waxed fat than he began to kick, even against the commands of the Most High.

But Foote was never known to deliberate. Full of impulse, and relying upon his ability to mould the thought of men, he believed he could accomplish any purpose. He pictured to himself always an applauding multitude, ready to sustain him, and he refused to let his judgment interpose between him and this pleasing vision. He made the fight, succeeded by a small majority, and then saw his laurels begin to fade. It was no passing

blight, but the beginning of a long and final decay. He resigned his seat in the Senate, and from that hour accomplished nothing.

Foote's resignation of his seat in the Senate made it necessary that the State legislature should supply the vacancy. The victorious party was composed of Union Democrats and Whigs. The Union Democrats had a majority on a joint ballot. Stephen Adams, of Monroe County, among others, became a candidate. He was a Union Democrat, and had given efficient service to General Foote in his campaign. He was also popular with that wing of the Foote legislature, and was elected. The Whigs, although they had furnished nine tenths of the votes, got nothing.

The election of Adams was a surprise to the State. At the expiration of his term of office, he retired from public life. Very few of the Union Democrats were ever heard of afterwards. The only hope for Foote and his Union-Democrat friends was to have made a close alliance with the Whig party. If they had done so, they might possibly have effected great good to the nation; might even have averted the civil war. The possession of the State was, at that time, everything. Mississippi was to a great extent the revolutionary centre. Her statesmen did more to bring about a crisis than those of any other State in the Union. If they could have been kept out of place and control, the impulse might have exhausted itself by its own impatience.

The issue of the canvass of 1851 was allowed to slumber in the year 1852. This oversight on the part of Foote and the Whigs enabled the Democrats to gather once more into the fold all the stray sheep of 1851. A President was to be elected this year, and the men of 1851 were to take control.

The statesmen whom I had found here in 1835 were all either dead, or grown too old for active service. The canvass of the preceding year had brought to the front a new race of men and speakers, who were hereafter to be champions of the State Rights, or democratic principles; and who were in no manner inferior to those who had just left the stage.

Albert Gallatin Brown was a natural born party leader, and was admitted to be so by all. He became a great power in the Democratic party from that day until the outbreak of war.

Jefferson Davis, even more popular than the great Prentiss, and his superior in statesmanship and historical information, was also pure and above reproach in every detail of his life. His clear and lucid logic carried conviction to all minds, and his eloquence charmed all hearts.

William L. Barry, of Columbus, swooped down upon his opponents like an eagle in his flight. In some respects he was the equal of Davis, in some the equal of Prentiss, but in the aggregate inferior to both. In powerful and finished logic he fell far

below Davis. It was sometimes said that he was more sublime in his eloquence, but his style was confused and turgid, and what is called sophomorical.

John J. McRae was a bright speaker, gay, humorous, and fascinating. David Glenn was a great lawyer and a trained thinker, powerful in debate, and ready in expedient. Captain A. R. Blythe, of Columbus, and Joel M. Acker and James Phelan, of Aberdeen, took high rank in the party.

These men made a new era in the history of the State, and became actors in the grandest drama of the times. They helped to cradle the revolution of 1861, and that lusty infant repaid them by turning upon us, and trampling us all in the mire under his feet.

Since I first came into the State, there has never been greater exertion made, or more brilliant oratory displayed, than was universal in this canvass. The Union Democrats to a great extent returned to their party allegiance; and many able and influential Whigs, who were advocates of the doctrine of State Rights, united their destiny with the party forever.

My professional engagements were unusually heavy at this time; and as there were so many abler and more influential men than myself to be active in politics, I felt that my attention was not needed. I had several intricate cases of defence

upon charge of murder to concentrate my energies, and in that class of cases, if my fees were always heavy, the labor was not light.

There was one of these cases that year with some circumstances peculiar enough to warrant mention. It originated in Choctaw, but was transferred, by change of venue, to the county of Carroll.

When the facts were first related to me, there seemed little use in attempting a defence. If the defendant had exerted his utmost ingenuity to make as black a case as possible, and to defy all human efforts to save him from the gallows, he could not have succeeded better.

Fortunately, a short time before the trial at Carrollton, the supreme court at Jackson decided a case involving exactly the facts of this case. I was present at the time, and obtained a copy of the opinion, certified by the clerk of the court.

A party had been indicted for murder, and convicted of manslaughter. After the verdict was rendered into court, his counsel moved the court in arrest of judgment, and that the bill of indictment be quashed and the prisoner discharged, as any other prosecution was barred by the statute of limitation. The motion was overruled, and the prisoner appealed to the high court of errors and appeals.

After argument and consideration, that court reversed the judgment, quashed the bill of indictment, and discharged the prisoner.

As soon as I arrived at Carrollton, I examined the bill against my client, and discovered that the cases were exactly similar. I had reason to believe that neither judge nor district attorney had seen the decision, and I therefore resolved to bring about, if possible, a conviction for manslaughter, and then make the motion for dismissal to which my client would be entitled under that ruling.

The case came on, the jury was drawn, and testimony begun. Now the books say that the distinction between murder and manslaughter is difficult to draw, and therefore the slightest circumstance may create the distinction. Murder requires malice aforethought, while manslaughter is the result of immediate provocation. Slight provocation is not sufficient. Great provocation must be shown. Now the distinction between slight and great is the question to be settled. The books say that the provocation must be something you can *feel*, and it is here that the distinction is most difficult.

In maintaining this difference, I had one great advantage, because I was staking the life of the defendant upon the distinction, while the district attorney thought only of a conviction for murder.

While I was supporting my distinctions with apparently unimportant little circumstances, the prosecution gave no attention to these things, as too trivial to be worthy of notice. It is probable that the marked deviation from my usual manner of defence made my adversary over-confident. He

began to believe that I shared his opinion of the hopelessness of my case, and that my only object was to let my client fall as lightly as might be.

The testimony ended, and the district attorney opened his argument with much skill and force. It is due to him to admit that he always handled his cases with great ability. He confined his argument solely to the question of murder, and explained the law, and applied the facts, with a manner which became more and more triumphant, until, in conclusion, it rose to defiance. I bided my time without impatience, even when my friend concluded his speech with a salutation to me, in which the respectfulness was exaggerated into something like mockery.

In my long and elaborate speech, the real object was simply to convict the defendant of manslaughter. I combated the charge of murder, but by admission as well as by implications, granted that there was proof of slaughter under provocation.

When the district attorney made his concluding argument, he still pressed his charge of murder, but admitted that a verdict of manslaughter might be *safer*, and this question the jury must decide for themselves. They *had* decided before he began his final appeal, and in a few minutes brought in a verdict of manslaughter.

While the jury was out, the father of the defendant came to me in a violent rage. He would have struck me if he had dared, and could not

restrain his reproaches. He said, "I have paid you a large fee to defend my son, and you have been treacherous enough to prosecute him. You have done him more harm than the district attorney. By your means my son is disgraced forever, and his parents brought to despair."

I told him to give me a little time, and perhaps something might yet be done. When the verdict was reported, I immediately made a motion in arrest of judgment — that the bill of indictment be quashed, and the prisoner discharged. I took out the opinion of the supreme court, and read it. The judge said it was too plain for argument, sustained my motion, and discharged the prisoner. My friend, the district attorney, looked at me rather sourly; and when I repeated his former salutation, only smiled grimly and muttered, "Ah, you old fox." That night I did a good stroke of business, and purchased for myself freedom from a lingering regret. Father and son were bent, in their gratitude, upon taking me home to spend the night. They owned a fine piece of land which had been mortgaged for my fee. The mother was a good woman, clean and tidy, but very poorly clad. She also was very grateful, too grateful, for my heart began to grow heavy. Things were going badly with them. They were evidently very poor. There was no help for it. I could not have that old woman looking at me with her sad eyes all the rest of my life. So the farm was

bought in with my mortgage, and settled upon the mother, upon condition she should keep it as a home. I never saw them afterwards, and don't know what became of them.

Soon after this time, the presidential election came off, and General Pierce was elected. In making up his cabinet, Pierce assigned Colonel Jefferson Davis to the War Department.

Since the beginning of the Republic, no man has ever shown himself more preëminently fitted for that high office, and no man has ever filled it with more distinguished ability.

The census of 1850 had given to Mississippi one additional member of Congress; and, because it was too late to re-district the State for the election of 1853, it was provided that he should be elected by the State at large. Most of the newspapers in the State suggested me as the proper person for that place, and it was generally conceded that I would be the recipient. My own opinion was different, and was based upon serious reflection upon the condition of parties in the State, and the necessity of regaining the Democrats who had deserted in the Foote campaign of 1851.

For this purpose, some position of importance must be given to the discontented majority, and the place of "floater" was the only one which could be used to accomplish the reconciliation. I pointed this out to all my friends with whom I had

conversation on this subject, and insisted that I should not be made the victim of a false idea. I said everywhere that I desired my friends to avoid any danger of having me defeated in convention, as I was certain that to bring me forward at that juncture could only result in humiliation.

People continued to assure me that my nomination was certain, as the State was for me, and all the papers supported my claims. Still I insisted that when the convention met they would see that the Union Democrats demanded recognition and office as a condition of return. I said, "We will be compelled to yield and can do so gracefully now, but if you go on, you subject me to defeat."

The evening when the convention was organized, many of the most intelligent and influential Democrats conversed with me upon this subject, and, when I urged my views, the reply was, Your nomination is assured. I believe they honestly thought so then. It was agreed between us that mine should be the first nomination, or they should withdraw my name.

The convention met, and my name was proposed. Many influential men appealed to my acting friends not to urge this resolution, as I was to be nominated by acclamation when the contest was over.

The governor and all the state officers were to be nominated. My friends, relying upon the good faith of this assurance, yielded.

After all contested nominations were over, Colo-

nel David Glenn was nominated by acclamation for attorney-general of the State.

My name and others were then proposed, and on the first ballot I required a half vote. On the second, the same, and on the third, I was defeated by one vote. My friends ought not to have allowed this. The convention ought not to have allowed it. When I was informed of the result, I denounced the convention for its treachery, and declared I would contest the result before the people.

I left for home next morning, and passing through Kosciusko, I requested the gentleman who was travelling with me to see Mr. Roy, the editor at that place, and say I was not a candidate and would not be. Unfortunately, he said in his paper, "I feel authorized to say that Davis will not oppose the nominee."

Notwithstanding this, I was at once fiercely assailed by many of the leading papers in the State. All the way home, I met persons who insisted that I should be a candidate. I reached Aberdeen on Saturday, and found my friends getting up an indignation-meeting, which was prevented at my earnest request. On Sunday I went to Houston, Chickasaw County, to attend court on the Monday. Many persons were assembled there, lawyers, jurors, parties to suits, and witnesses, and the action of the convention was freely discussed. It was proposed that a meeting be held next day

at the court-house, and resolutions adopted, condemning the action of the party, and that a convention of Choctaw and Chickasaw counties should be called, to assemble one month later, and that the object of said convention should be to condemn the action of the Jackson convention, and to nominate a candidate who should be the choice of north Mississippi.

I protested against this movement, telling my friends that it would result in nothing, and that I alone would be the sufferer. In spite of this, the meeting was held, strong resolutions of condemnation were adopted, and a convention called. It met at Pontotoc and I was nominated. I was not present, but felt bound by the action of my friends, and obliged to make the canvass, which I knew must end in disaster. The Whigs held a convention at Jackson, and nominated candidates for governor and other state officers, but refused to nominate a floater.

General Alexander Bradford, however, announced himself a candidate, and made an active canvass of the State. I continued in the canvass for some weeks, with the nominee of the State convention, the discussion between us growing rather sharp, and we becoming more or less unfriendly. In the month of September, I became satisfied that north Mississippi was convinced that her action had been hasty and ill-considered, and I withdrew from the canvass. This campaign has since been known as "the Chickasaw Rebellion."

The nominee of the state convention, Captain William Barksdale, was elected. I did not see him again for about eighteen months, when we accidentally met. Our temporary irritation had long subsided, and we grasped hands in cordial greeting, as though we had been long-parted brothers. From that hour to the day of his death, the most entire friendship existed between us, and no man in the State cherished a more sincere regard for him than I did, or more profoundly regretted his death.

CHAPTER XXXI.

VERY soon after this canvass, I was appointed attorney for the New Orleans, Jackson, and Great Northern Railroad. It was stipulated that I should canvass the country along the road-bed for the right of way, and for subscriptions for stock in the road. My affairs were by this time in a condition which justified my withdrawal from the unceasing labor I had for years performed in the practice of the law. By accepting this appointment, I could more easily get out of the old groove, and yet remain in sufficiently active employment. The political outlook was stormy. We expected trouble, but no thought of what was in store for us ever dawned upon our minds. We boasted in our hearts that we had much goods laid up for all our days, and did not dream that the day was fast coming when we should stand stripped of all our accumulations, and be forced to begin the world afresh, in a land ruined and desolate. If a prophet had been raised up, his warning would have been in vain.

I entered upon the duties of my new office, and in the course of eighteen months succeeded in obtaining the right of way from Canton, Mississippi,

to a point on the Tennessee River called Chickasaw. Subscriptions for about six hundred thousand dollars of stock were secured.

At the Democratic convention in the spring of 1851, of which I have already spoken, John J. McRae was nominated for governor. The Whigs soon after nominated Hon. Francis M. Rogers. These two gentlemen were well matched in debate. McRae was, perhaps, more ingenious, and he indulged with some success in anecdote, while Rogers never attempted anything of the kind.

McRae was aided by the eloquence of David Glenn, nominee for the office of attorney-general, an office he had filled with great ability for several years. Glenn was, without doubt, one of the most effective men in the State at that time.

McRae was also assisted by Governor Brown. Besides this, William S. Barry had been put against Wilcox in the second congressional district, and he had no superior in his own line. Barry was an imposing-looking man, and admired wherever he went. I remember that he made quite a sensation by his first speech in this canvass. Wilcox lived in Aberdeen, and Barry in Columbus. The ball was to open at Aberdeen, and Barry made the opening speech. He began with a flourish: "Fellow-citizens, I have come to brave the Douglas in his hall — to beard the lion in his den;" and proceeded in a torrent of florid eloquence, immensely captivating to the people.

Wilcox was greatly his inferior, not only in debate, but in all the arts of a popular speaker. He was, however, matchless in his gift of amusing the crowd with jest and anecdote, and oftentimes hurled his light and fantastic weapons with deadly aim. Barry was elected, as well as the whole Democratic ticket of the State.

My relations with the Democratic party were not disturbed, because I had been presented to the public by the act of a convention which represented nearly half the State. The position thrust upon me in this canvass was a most unpleasant one. I could not appeal to the Whigs for support, because I had opposed them with violence in the Foote canvass. I adhered most uncompromisingly to the Democratic State Rights party, while they were in strenuous support of the Union.

I could not ask the support of the Union Democrats, because they had gone over in a body to the State Rights wing, and had been recognized by the convention and rewarded by one of the best offices in their gift. I could not appeal to that portion of the State Rights wing which had refused to join the rebellion, because their action had induced the rebellion in the first instance. Environed by these adverse conditions, it was impossible to make a stand upon any platform. Anything I could say must injure me as much as my opponent, and these embarrassing circumstances paralyzed anything like vigorous action or animated discussion.

While I could not say so, I was in truth not unwilling to see Barksdale elected. He had been quartermaster of my regiment in Mexico, and I was not only his friend, but had proved him to be a most loyal and honorable gentleman. In the course of his next election to Congress, which was a stormy one, I had occasion to concern myself in his vindication, and was glad to avail myself of this chance of serving so good a man.

During the year 1854, I devoted most of my labor to the service of the New Orleans, Jackson, and Great Northern Railroad. In order to do this, I was steadily withdrawing from the practice of the law, making exception of cases of defence against the charge of murder. I had for twenty years lived and breathed in court-houses. My mind had given itself up almost wholly to investigations of the subject-matter of important civil and criminal cases. These cases I prepared, not so much by studying previous decisions as by a careful analysis of all the facts involved, afterwards replacing them in the order that would create the greatest amount of supporting force. To make this combination, I determined first the legal principle or right to be adjudicated, and next accumulated the facts around the legal principle, so as to produce demonstration.

It is easy enough to assert analogy, but to make it clear to other minds, more or less perceptive, is much more difficult. This system carried on for

twenty unbroken years was not only exhaustive to all the forces of body and mind, but, of necessity, shut out all time and opportunity for the acquisition of general knowledge. It matured and developed one class of faculties, and left the others to perish upon such scanty nourishment as could be picked up by the way. After years of successful toil, I longed for fresh fountains of knowledge and new fields of energy. Leisure has never had charms for me, as my temperament renders inaction a torment to me; but it seemed that the time had now come when I might lay aside some of the trammels of professional engagements.

I had no children, and, so far as could be seen then, old age was amply provided for already. The duties connected with the attorneyship of the railroad did not prevent other objects upon which I had determined, and the salary of \$5,000 per annum was a sufficient remuneration for the time given. In looking back, I am astonished at the heavy and continuous labor I performed during this twenty years of active practice. I used to travel from one court to another for months together, and those were wild days. Our relaxations were, perhaps, more exhaustive than our work, and we took no more thought or care for our lives than if we had been immortal.

People often speak of me as a criminal lawyer specially, but in my early days I thought I managed my civil cases better than those on the crim-

inal docket, and I believe that was the general opinion.

During these years there had grown into manhood a young gentleman, since widely known as the Hon. E. C. Walthall. He had studied law in the office of that great man, Roger Barton, of Holly Springs, and afterwards established himself at Grenada, Mississippi.

Nature had been prodigal in her gifts to young Walthall, and education enabled him to use them to the best advantage. He was tall and well-proportioned, had a fine and courtly bearing, and conversed with ease and elegance. Without delay, he took high rank at the bar, and a brilliant future was predicted for him.

About the period of which I have been writing, Walthall had been elected district attorney, and had made not a little reputation while holding that office. It happened that I was sent for by a gentleman by the name of May, to defend his son, who had killed a man in Calhoun County.

For one cause or another, this case was continued at several terms of the court, and upon first one pretext and then another the elder May paid only a portion of the fee agreed upon. He was a wealthy man, but had a most unconquerable aversion to parting with any portion of his treasure. That being the case, I was resolved to hold him up to his contract.

The trial came up at the spring term of the cir-

cuit court. Walthall was prosecuting, and was confident of success, the case being admitted to be a bad one. He knew his own powers, and especially his skill in wringing out of the most unwilling witness whatever could strengthen the attack or weaken the defence.

Although alone in the defence, I did not despair. I thought I could see in the tangled skein of facts a tiny clue, which, if deftly handled, might guide us out of the labyrinth, and I knew I had rarely failed to hold such a thread, once in my grasp. By the time the testimony closed, my spirits had risen. In fact, I knew that victory was certain. It was not, however, my purpose to appear confident.

Late in the evening, Walthall addressed the jury with great force in a compact and solid argument. He handled both law and facts with skill and combination. At the conclusion of his speech, Judge Cothran announced that the argument must be concluded that night, and took a short recess for supper.

I knew that the time had come for the execution of my plan to circumvent Mr. May. He came to me as I left the court-room, and said, "The case is more desperate than I knew." I shook my head dolefully, and answered not a word. "Billy is in great danger?" I sighed a mighty sigh, but said nothing. He was evidently depressed by my silence, and said, "Mr. Walthall made a powerful

attack." "He did, Mr. May, he did." "Must Billy be hung? Is there no hope?" I said, "I will tell you how it is. To answer that speech I must do my best, and that depends upon you, Mr. May. I have been speaking in these difficult cases now for several months, and my mind is exhausted, and my lungs nearly worn out. I must be roused up and stimulated before I can make the requisite effort to answer that powerful speech of Walthall's, and you must give me the stimulant if you don't want to see Billy hung. Just pay me the twelve hundred dollars you owe me, and I will put it in my pocket, and whenever I feel myself going down, I will put my hand on it and be aroused to renewed effort."

He evidently felt the fullest confidence in the vivifying powers of ready money, but was anxious to persuade me that a smaller sum would be sufficient. He began to beg, offering at first three hundred, then five hundred, and at last seven hundred. I was inflexible, and went off to supper, after telling him to have the whole sum ready for me before I went into the court-room, or to prepare himself for the worst.

When I came out from supper, there stood Mr. May, who paid over the twelve hundred, and groaned deeply. I told him I already felt much encouraged, and was ready to do my best for his son. Several times that night, when I paused for a moment in my long speech, happening to see the

old man's eyes fixed earnestly upon me, I would thrust my hand in my pocket, and go on with renewed vehemence. I do not doubt that to the day of his death May believed that it was the potent effect of that roll of notes that enabled me to acquit his son. The story got out somehow, and excited a good deal of amusement. Many times since I have heard it repeated with all sorts of fantastic additions; and it has become one of a great stock of anecdotes which have been related about me, some of which are so old now that they have passed into tradition. Generally there is some thread of truth to begin with in these narratives, but that is frequently lost in the embellishments of fiction.

It is a singular fact that there are some men about whom such anecdotes seem to gather spontaneously, and to pass current as true throughout the country. This has never been explained, any more than the corresponding fact that some popular nickname is sure to be found for such a man, and stick to him always. Long before I was thirty years old, men old enough to be my father referred to me habitually as "Old Reube," and I was rarely spoken of by any other appellation.

Walthall did not, at that time, take any very active part in politics, although his position as a Democrat was well defined. His silent influence was, however, very great. His acknowledged purity of character, his intellectual eminence, and his

devotion to his profession gave him great weight of character, and his opinions high consideration. Besides this, he was genial and generous in social life, and his record in the Confederate army would have done honor to any man.

CHAPTER XXXII.

DURING this year the country began to inquire into certain facts which were startling, because no man could explain them.

Men who were not even candidates were elected to office against popular candidates whose race was expected to be a walk-over.

What mysterious organization was at work to produce these results could not be divined by the uninitiated, but the fact of the existence of some powerful and secret society could not be doubted. Finally it was revealed that an organization existed under the name of the "Know-Nothing Order," and that it was becoming formidable. It already included the Whig party in solid mass, and was rapidly absorbing the Democrats.

The professed object of the order was to prohibit foreigners from voting, until qualified by a residence of twenty-one years. All through the Northern States the Know-Nothings carried everything with them, and controlled both state and municipal elections. They received no check until they reached Virginia.

Under the leadership of Henry A. Wise, the Democrats of Virginia threw their whole weight

in opposition, and defeated the Know-Nothing candidate for governor. The same result followed in all the Southern States.

The Democrats of Mississippi held their State convention in the spring of 1855, and nominated Governor J. J. McRae for reëlection. Other State officers were nominated, and a platform adopted, boldly denouncing Know - Nothingism. The district conventions followed in rapid succession, nominating candidates for Congress, and indorsing the platform of the state convention. During the winter of 1855, the legislature had changed the congressional districts so as to make five districts instead of four. This was done to provide a district for the floater.

The second district included the counties of Monroe, Itawamba, Pontotoc, Chickasaw, Calhoun, Yalobusha, Tallahatchie, Sunflower, and Bolivar. A convention was held, and after much balloting Judge Bennett was nominated. I was not present at this convention, and had no knowledge of its action until afterwards.

Able men were nominated from all the other four districts, among others Captain William Barksdale.

The Know-Nothing party held their convention, as I have always understood, in the city of New Orleans, and the nominations were kept secret for some time thereafter.

Monroe had its county convention, and nomi-

nated candidates for the legislature. They refused to accept upon the plea that the Know-Nothings were so strong in the county that defeat was inevitable. A second convention was held with a similar result. In the mean time, it became known that Mr. Charles Fontaine, of Pontotoc, was the nominee for governor. This nomination was admitted to be a very strong one.

Fontaine had settled in Pontotoc at a very early day, and had begun his practice there. He was an agreeable speaker, and his ability was everywhere recognized. His family connections were numerous and influential, and his reputation as a gentleman of scrupulous honor and honesty could not be questioned.

Judge Lock E. Houston was the nominee for Congress, and possessed a strength that promised a majority of at least fifteen hundred. Party prospects stood in this attitude. McRae was able and skilful, and fully a match for Fontaine. Candidates for Congress in the different districts were fairly well-matched intellectually.

A term of the circuit court was to be held at Starksville, and it was decided to make the beginning of the canvass at that place and time. On Monday evening William L. Barry made the first speech, a masterly effort, replete with eloquent argument and fiery denunciation. He had refused to accept a nomination for Congress, but his county of Lowndes had forced upon him a nomination for

the legislature. Barry's speech was followed by one from Captain William Barksdale, nominee for Congress.

He was not so gifted an orator as Barry, but he made a telling speech, fearless and strong.

Mr. Crusoe, of Columbus, announced that he would reply after supper, and a voice from the crowd then called out that Reuben Davis would respond to Crusoe the next day when court adjourned for dinner.

Crusoe's speech that night was caustic and severe, and he made the mistake of alluding to the controversy of two years before between Barksdale and myself. It was a mistake, because, instead of renewing ill-feeling as intended, it produced the opposite effect. Barksdale and myself had shaken hands in cordial restoration of friendship that very morning. The fact was that the hatchet had long ago been buried by both, and now we had smoked the pipe of peace, and more than renewed all the old bonds of kindliness. As I listened to Crusoe, my soul was stirred to its depths. Like David, I might have said, "My heart is hot within me, and while I am musing, the fire becomes kindled."

The moment Crusoe ceased, many voices began calling for me, and I needed no second call. I rose quickly, and poured out the words that were burning upon my brain. If ever I put my whole strength in a speech, it was that night; and as I

left the stand, some of my friends called to me, "You can die now, Davis, for you have done your best." To this day, it gives me pleasure to remember that an opportunity was given me to celebrate my reconciliation with my old friend by an honest effort in his support.

Going home from Starksville, I was put upon a forlorn hope race for the legislature, which race I have already spoken of. This was the first and only time I ever served in the legislature.

The session began on the first Monday in January, 1856. It was plain that the main business to be considered was the adoption of a code of laws, which was to be reported by three commissioners, appointed, by an act of the preceding session, to codify the statutes of the State. Anything else was of a local or general character, and of no practical utility. I will not stop here for any lengthy comment upon the unnecessary and expensive legislation enacted every year by the different States of our Union, but I think it could be made clear that one session in five years would meet the practical requirements of any one of them.

In this instance, I could discover no state interest which required legislation, outside of the proposed code, and I urged upon the legislature the propriety of ignoring every petty question, and proceeding rapidly with the code. I found myself always in the minority. Most of the members had gone there with a fixed idea of giving

evidence of their fitness to represent the people. A speech upon economy must be made—a declaration of unwillingness to impose needless taxation upon the poor people—or at least some denunciation of the rich must be poured out for future use on the stump, and as a means of securing reëlection.

In these heavy duties so much time was consumed that we made little progress with the code, and were forced to adjourn over until January, 1857. Again the same delays were interposed, and at the end of six weeks, we had made little progress.

Upon consultation, it was agreed to vote down any project, whether in the shape of amendment or original proposition, and confine our action to the code, and in one month thereafter it was completed.

During these two winters, I became well acquainted, not only with the members of both houses, but with the resident population of Jackson. Many pleasant acquaintances were made there, and some warm and lasting friendships.

Among these last, I may mention Mr. Patterson, a man for whom I have ever since retained both regard and admiration. He was from Claiborne County, where he was well known as a lawyer, and also as having a large planting interest. His ability in debate, and his strength and originality of thought, gave him consideration in the house,

while his friends loved him for his generous and loyal nature.

The most important and interesting event of the last session was the election of a United States senator, to fill the place of the Hon. Stephen Adams, who was not a candidate for reëlection. The contest was between Jefferson Davis and Jacob Thompson. I was for Davis.

The northern counties were very generally in favor of Jacob Thompson. I had become convinced that the contest would be very close, and the result doubtful. As I now recollect, Barry, of Columbus, and Green, of Holly Springs, were the only men from the extreme north of the State who were with me. If either should falter, Jefferson Davis might be defeated, although he was undoubtedly the first choice of the people. I had been ill for some days, and was still confined to my bed, when I was informed at noon that the caucus would be held that evening at five o'clock. Determined to be present, I got up in spite of doctor and nurse, and drove to the capitol. As I entered the door, I met a messenger with a note advising me to remain in my room, and containing a resolution authorizing Captain Abbott to cast my vote for Davis in the caucus; but I had made up my mind to watch the course of affairs myself.

Discussion began, and resolutions were offered, in all of which I took part, and finally, at eleven o'clock, the vote was taken, with a majority of two

for Davis. The next day he was elected in joint assembly.

Mr. Davis was in Washington at the time, and, so far as I know, never knew the details of that election.

While speaking of this period spent in Jackson, I may add that nowhere could be found a more agreeable social life, or more eminent and cultivated people. The hospitality of the city was delightful, and so many strangers resorted there during the winter that society lacked no attraction that the State could afford. As to the legislative body itself, my observation was that while it was generally composed of men of position and intellect, there was not sufficient care taken to select men of experience and practical judgment. This is important, because it is such men alone who understand that much legislation is always prejudicial to a people.

"The Mississippian" was the leading newspaper of the State at that time. It was in the house of nearly every intelligent Democrat throughout the country, whatever might be his calling, and exercised an extraordinary influence in moulding public opinion. The paper was owned by Mr. Ethel Barksdale and Mr. J. L. Powers. Barksdale was the chief editor, and Powers the publisher and business manager. Barksdale was the ablest paragraph writer the State has ever afforded. His fault was that he was too caustic and severe.

Some of his paragraphs were electric batteries, which produced a shock from which only those victims who were blessed with strong nerves and great recuperative powers could recover. In person he was small, and his manner was grave and dignified. He rarely laughed, and there was something in his smile which indicated more of malice than of mirth.

Mr. Powers differed widely from his coadjutor. Tall and thin in person, he had a head which showed large business capacity. His manner was more genial, and gave the impression that he was one of those who loved his fellow-men. His style was always logical and forcible.

After the war, "The Mississippian" assumed the name of "The Clarion," and is now published as the "Clarion-Ledger."

About the first of April, 1857, I returned home, and once more entered upon my duties as attorney for the New Orleans, Jackson, and Great Northern Railroad. Early in May, a mutual friend of Judge Lock E. Houston and myself approached me with a suggestion as to forming a law-partnership between us. As I had a great liking and admiration for Judge Houston, the matter was speedily arranged. The new firm prospered, doing in the first three months, even, a very large business.

CHAPTER XXXIII.

IN July the Democracy again met in convention to nominate a candidate for Congress. The meeting was appointed for Pittsborough, in Calhoun County. It had always been the rule to give a man a second term, which entitled Bennett to expect a renomination. For some cause, however, Bennett was not popular in the four large counties lying in the eastern division of the district, and many persons urged me to seek the nomination. To these friends I replied by publishing a letter of refusal.

Mr. Jehu A. Orr, of Houston, Chickasaw County, allowed his friends to present him to the district as a candidate.

The delegates to the convention from Aberdeen called on me after they were mounted for the journey, and told me of their intention to use my name, as had been done before, even against my protest. After they left, I went to my house, and, as soon as my buggy could be brought out, started after the delegates, and soon overtook them. We travelled together to Pittsborough, arriving there on the Sunday evening. In a few minutes the delegation from Itawamba County came to see us,

and announced the intention of uniting with Monroe in support of my claims to the last extremity.

It was agreed that I should be allowed to control my name after the first ballot. The next day the first ballot showed this result : Orr 6, Davis 6, and Bennett 7. I then withdrew absolutely, and went to the hotel with a number of friends, with whom I passed the day right merrily.

About eleven o'clock that night, no nomination having been agreed upon, my friend, Mr. James Randall, put my name up again, declaring it should not be withdrawn. After three or four ballots, Orr instructed his friends to coalesce with mine, and I was nominated.

A committee was sent to bring me to the convention, where I thanked them in as few words as possible, saying I was not in speaking order just then, but would promise them to begin the canvass in a few days, and make the best race in my power.

The Bennett men were deeply offended ; they left next morning in a very sulky humor, and went to Grenada. They there called a convention, and, repudiating my nomination, put Bennett out as a candidate. He accepted.

Immediately upon receiving intelligence of this action, I sent out an appointment, and went to Grenada to make a speech. Bennett was not at home. I went on to Tallahatchie, and then returned to Coffeeville, where I met Bennett. He

was very hostile, and even talked of fight. The hour for debate arrived, and I had agreed to open the discussion, and then allow Bennett one hour and a half, taking the same time in reply.

The audience was large and utterly undemonstrative. They had evidently come for the purpose of determining their future action in the contest. Under these circumstances, it was necessary to be wary in my utterance, and to summon to my aid such dexterity and skill as might be in my power. I must watch the tokens of approbation or dissent, and make my advances by these indications.

I began by reminding the audience that, two years before, I had been basely deserted by this gentleman, although he had been instructed by his county to vote for me, first, last, and all the time. Chickasaw had given me the one vote necessary to bring me up to the two thirds required, and he, Bennett, seeing that my nomination was thus secured, had cast his vote for a stranger, and thus brought about his own nomination. Having thus disobeyed his instructions, and proved faithless to his trust, and also deserted one of his best personal friends to secure his own interest, it ill became him to charge fraud upon me, or any one else.

At this point I was encouraged by prolonged applause. I went on to say that upon two occasions, when I could have received high office, I had withdrawn at his request, and in his favor; and

that even after he had betrayed the trust confided to him, greatly to my prejudice, I had thrown myself into the canvass to aid in his election. I reminded him that I had withdrawn from the convention after the first ballot, and spent the remainder of the day with some friends in a convivial party at the hotel. That, in fact, I had been called from this party, still engaged with wine and jollity, when wanted to accept the nomination. Knowing all this, he had still felt no shame in making charges of fraud which he knew I was incapable of by nature, and which circumstances showed to have been impossible.

Here the applause became universal, and was continued from time to time during my whole speech. This assured me that I had struck the right chord, and that the crowd was now in harmony with me.

When Bennett arose, he paused, expecting some demonstration. Disappointed and oppressed by the silence, he began his address without animation, and continued to become more and more lifeless, until he sat down without a single murmur from the audience.

Again I took the stand, and the uproar showed the people were with me. I told Bennett that I had, two years before, when he was nominated, and nobody was for him, stood for five days upon the streets of Aberdeen, urging people to vote for him. I now expected him to return the obliga-

tion. He arose, and said, "If you will go along, and say nothing about me, I will withdraw." I replied, "Ah, Mr. Bennett, you would surely not deny me the honor and pleasure of proclaiming that you are my friend!" He answered in a very sulky tone, "No, you may say that." For some reason, this conversation amused the crowd immensely, and they roared and shouted and applauded until the meeting was over. Bennett's career ended with it.

After this, some of Bennett's friends corresponded with General Charles Clark, of Bolivar, and pledged him their support, if he would, as a Whig, contest the election with me. He consented, although he had urged me to make an effort for the nomination. He wrote to me, proposing that our canvass should begin on a certain day in the town of Aberdeen, and that I should have posters struck off and circulated, making appointments throughout the whole district, and up to the day of election. This was done.

At the appointed time, Clark came to Aberdeen, and was my guest for the night. He had been with me in Mexico, and we spent a pleasant evening, recalling our old adventures and mishaps, and laughing over old frolics.

In our discussion next day, Clark was unfortunate enough to make a signal failure — the only one of his canvass. He had come through Memphis, and had there found a little book, called

"McCusky's Political Text-Book." It had just been published, and a few copies received in Memphis.

I had never seen it, nor had the slightest knowledge of its contents. Clark would not let me look at it, always locking it up carefully when our discussion was over.

We had four discussions before we reached Pontotoc, and on each occasion he would make certain statements, and dare me to deny them, saying, "Here it is in this Little Book."

This was exasperating. I wrote to a friend in Memphis, requesting him to send me a copy by mail to Pontotoc. We got to Pontotoc late in the evening. Clark had been very bold in his assertions that day, and dared contradiction.

I avoided controversy upon those points, and, as soon as we reached Pontotoc, went to the post-office. No package, but the postmaster said the stage from Memphis was due about daylight; and if the book came, I should have it without delay.

At the dawn of day, I was aroused by a great knocking at my door, and there was the postmaster with my book. Before the sun was an hour high, I had found all I wanted, and could show how all Clark's statements were utter misrepresentations. Every fact was exactly the reverse of his version of it. I made my references, and felt armed for the fray.

After an early breakfast, I saw two intimate friends with whom I had talked the night before,

and showed them how Clark had misrepresented the facts *in toto*.

It was Clark's day to open the debate. We had an immense audience, and Clark began to make his charges boldly, and to challenge me as usual, saying he was prepared to overwhelm me with his Little Book, as he always called it. He then said in a tone of great exultation, "The gentleman is silent. Now, fellow-citizens, I ask you if a man so ignorant of the political history of the day is fit to serve you in Congress."

Many persons looked at me as if they thought I would, or ought to, resent these remarks; but my two friends who were in the secret smiled at me in the most delighted manner. I took the stand, and, after the usual preliminaries, I said: "The gentleman seeks to evade the real issues of the canvass, by making one with me, rather personal, thus putting me on the defensive. This I shall not allow him to do, especially upon a set of assertions, not true in fact, as I will show you at once, by reference to the 'Little Book' which he holds in such high esteem, and which contradicts every word he has uttered, if he has sense enough to see it. Mr. Clark, get your book, and see if I read correctly."

He showed trepidation, and looked to see if his book were in place. I read page after page, all in direct contradiction of his statements, and then said, "Now, fellow-citizens, I charge that this gen-

tleman was either too ignorant to understand what he read, or that he wilfully and deliberately misstated the facts with the purpose to deceive you. I ask you whether such a man is *fit* to represent you in Congress?" The crowd responded with loud shouts of no, no, while great applause followed from every part of the house.

Clark bent before the tempest. He made one feeble attempt to deny, but six hundred angry voices roared him down. I had avenged myself, but the blow fell so heavily that I was sorry to have been forced to make it.

This box usually gave four hundred Whig votes and two hundred Democratic; but when the election was held, Clark received but seventy-five to five hundred cast for me.

On the evening of that day, Clark sent me a proposition to close the canvass, each to return home, and leave the people to decide for themselves without further discussion. To this I readily consented, but Clark's friends forced him on, and we went to several other places. Clark then renewed the proposition, and the canvass ended. I was elected by a majority of twenty-five hundred. I should do great injustice to my own feelings if I were to pass by this period without recalling one evening of social pleasure, which was, for many reasons, very gratifying to me. Upon my return from the canvass, I received from my fellow-citizens, without distinction of party, a splendid banquet in token of their personal good-will.

The entertainment was given at the old Commercial Hotel, — then occupying the site where the Gordon House now stands, — and it was gotten up in a style handsome and generous enough to be worthy of those who gave it. Under the superintendence of our noble ladies, the supper was spread in lavish and delicate abundance. Wine flowed freely, and toasts were given and responded to in the fashion of the day. Many elegant women graced the occasion, and I have never seen a finer body of men than were assembled that night. Among those who proposed toasts were Frank Rogers, Dr. Tindall and his father, Judge Sale and Judge Houston, Dr. William Sykes and Dr. Augustus Sykes, James Randall, Phelan, Vasser, Adams, General Strong, Bishop Paine, William Clifton, Judge Acker, Hampton, Abner Prewitt, and many others. Of all the long list, Houston, Acker, Vasser, and Randall alone survive.

That night was, perhaps, the brightest I have spent in all my long life. Looking back now, it shines with unalloyed gratification, but I see it through a mist of farewells and bereavements. The echo of kind voices remains in my heart, but the voices have long been stilled. Friendly eyes look back upon me, but I see the shadow of the grave in their glances.

What avails our labor and our joy! "Man walketh in a vain show, and disquieteth himself in vain."

CHAPTER XXXIV.

THE election was held in October, and it became necessary for me to prepare at once for my departure for Washington. I had very exalted ideas as to the quality of men usually selected to represent the people at the national capital; and if I confess that it was with many misgivings that I looked forward to measuring myself with men presumably so far my superiors in natural and acquired ability, I suppose many others may have undergone the same apprehensions under the same circumstances. So great was my self-distrust that, happening, when getting near Richmond, to make acquaintance with a handsome lad with whom I travelled, I was quite pleased when he spoke of having been a page on the floor of the House for several winters, and I listened to all his chatter about men and ways there with great interest, picking up some hints which were afterwards useful to me.

On leaving Richmond, I noticed on the train four gentlemen, who were travelling together, and who appeared, for some reason, to be regarding me attentively. In getting on the boat at Aquia Creek, we were thrown together more closely, and

the youngest man of the party approached me very courteously, and asked if he might be permitted the question whether I was not one of the congressmen from the extreme South. I replied that I was from Mississippi. He then told me that his name was Roger A. Pryor, editor of the "Richmond Enquirer." We went into a long conversation, and from that day began an acquaintance which ripened into intimate friendship. I always had a great regard for Pryor, and there was no man whose conversation I enjoyed more. We reached Washington on Thursday; and, although I afterwards found it one of the brightest and most cheerful of cities, I shall never forget the dreariness of my first impression of it. A bitter wind howled and moaned through the wide streets, and from a leaden sky snow and sleet came down in icy showers. I had left, but a few days before, the warmth and verdure of summer, and felt as if plunged into arctic winter. I found out then that for creatures accustomed to a southern climate, happiness, as well as comfort, is a matter of temperature.

I was soon comfortably established at Brown's, then the favorite hotel for Southerners, and soon received calls from numerous Mississippians resident there. My friend, William Barksdale, came at once, announcing his intention of taking charge of me until I got fairly in harness, and in a few days I began to feel as if I had lived there always.

On Monday morning we went together to the House, where I was to take my seat for the first time.

I smile now when I think of the trepidation with which I mounted the steps of the Capitol, and of the exaggerated expectations I had formed of the manner of men to be met there. The two houses organized in the old Senate hall and the old Representative chamber. Members were all standing, and the hall was full to overflowing.

There was a buzz of conversation and laughter, but I noticed that new-comers, like myself, had not much to say. After a while I began to examine different individuals more carefully, and my spirits rose.

I said to Barksdale, "I came here nervous and ill-at-ease, expecting to be overpowered by a brilliant array of extraordinary people, and I see nothing alarming. Aberdeen is but a small place, and yet I can gather there any day groups of men who will compare favorably with the best I see here." And to this day I will maintain that I have known many men of this county who were the equals of any that I have known anywhere, though, perhaps, not so prominent.

I remember well what a shock I felt when the great Stephens was first pointed out to me. For years I had thought of him as a sort of giant, and beheld a mere pygmy in physical development, with nothing in his face to indicate his really great qualities.

There were, however, many men of unusual ability in that House, and it was a time to bring out whatever force was in a man. Without fully realizing it, we were actors in a great drama, of which each scene became more tragic, till the end came with tears and blood. We sowed the wind, forgetting for the most part that the harvest must be a tempest of fiery ruin and destruction.

We elected Orr, of South Carolina, for speaker — and he was a most able and efficient one. I voted for him with all the more pleasure because of his brother, J. A. Orr, then of Chickasaw. He now lives in Lowndes, but is represented in his old home by his son, William Orr, one of the brightest and most promising of the young lawyers in our district.

Committees were appointed, and I was placed upon the committee for post-offices and post-roads. Owing to some press of routine business the night session was prolonged, after appointment of committees, until nearly day, and as we left the House day was already dawning. I had started to my hotel, when I was joined by a Mr. Campbell, from Ohio, who had come to contest with Vallandigham the seat for his district.

Campbell asked me to go with him to a certain shooting gallery, telling me that he expected to challenge Vallandigham, and wanted me to act for him. We stopped to get a glass of something refreshing, and then went to the gallery and prac-

tised until ten o'clock. This delay happened to be of great service to me.

When I reached my rooms, I found Barksdale waiting for me. In conversation with him, I discovered that I was wrong in supposing I had been put upon an unimportant committee, as the one for post-offices and post-roads was really very important. Instead of refusing to serve, as I had fully intended, I was glad to let matters alone.

Having called upon the President and heads of departments, I soon settled down to work. I found that to keep up with correspondence and other business, it was necessary to work with both system and diligence. We dined then at about five o'clock, and I devoted most of the evening to reading letters and preparing to have them answered next day. Almost the only amusement I indulged in was attending the theatre, for which I have always had great fondness.

I may say here that I avoided card parties where betting was practised, and never went into a gaming-house to play while I was in Washington. I very soon saw how dangerous these things were to men in public life, and resolved to keep away from them altogether.

I had been in Washington only two or three weeks, when a certain gentleman came to me with an application to Congress set forth in a pamphlet, for the establishment of a line of mail steamers, starting from New York, to go to Liverpool, Eng-

land, *via* some French ports. The government was to pay a bonus of five millions. I examined the pamphlet, and then invited the gentleman to my room to give me further information. I thought I could discover a solution of a question to which my attention had been directed during my canvass. I believed that a conversation with this gentleman might explain why direct trade could not be established between New Orleans and Liverpool, and confirm my convictions upon that subject. I had said that, in my judgment, there were political causes which led to this discrimination as against Southern ports; and I had promised to investigate the matter if possible.

We had a long conversation, which ended by my refusal to support his project. I told him that, in the first place, the subject was one to be considered by the committee on post-offices and post-roads, it properly belonging to that committee to determine the necessity of such route. In the second place, it was clear that all these ocean post-routes made New York their starting-point, and asked for a bonus from Congress which paid all the expenses of transit, thus making a clear profit of all receipts, and easily driving from the sea any direct trade line from any Southern port. In this manner, New York received an overwhelming advantage over all other ports of entry on the whole Atlantic coast.

I will say here that this unjust discrimination

still exists, and until the West shall unite with the South, and demand a uniform system upon this subject, both sections must be at the mercy of New York.

Congress had not been in session three weeks before it had become manifest that the most extreme men in both North and South had been selected as representatives. Everything that was said or done evinced a war spirit. For this I was not prepared. I had always looked upon disunion as only the last terrible resort, which must culminate in a most disastrous war. That secession could be peaceable was not possible, but I still clung to the hope that it was possible to bring about a peaceful adjustment of the controversy between the sections.

On one point there could be no reasonable doubt. If we should appeal to arms and the issue be decided against us, emancipation must necessarily follow. And no thoughtful man could shut his eyes to the fact that an immense disproportion of numbers, as well as the lack of the munitions of war in the South, threw heavy odds against us.

About this time, General Sidney Johnston, with five thousand men, was ordered to advance upon the Mormon territory at Salt Lake. I met General John A. Quitman near the Capitol, and he remarked to me upon this military movement, saying that it was the first step towards war, and there was no power in government to stop it from

that time. I told him that I was not in the counsels of what were called the leaders of parties, and asked him the direct question, "Have you any definite policy?" He replied, "We have, and its aim and end is disunion." I asked if he thought the troubles between the sections had reached a point beyond compromise. His reply was that there could be no doubt of it, and that he advised me to make up my mind to that as the inevitable result. We had a long conversation, during which I said to him, "If you are right in your conclusions, you ought to wake up to the fact that every hour of delay increases the disparity against us, especially in the rapid extension of our railroad system. You do not appear to take into your estimate the certainty that railroads change the whole science of war. With such facilities of transport at her command, New York could send a hundred thousand men in ten days to any point within our borders, whereas without them four or five months would be required." His reply was that I overestimated these advantages, and that it was impossible to move until the popular mind was better prepared for the wrench.

As he turned to leave me, he laughed, and added, "It will be all right in the next four years. You must move up, Davis, or you will be left behind." I said, "No, not left behind, because wherever Mississippi goes she takes me with her." We were serious enough, both of us, but we

laughed and made as light of our anxieties as we could; just as the people did, no doubt, on that day when the heavens grew dark above them, and the great black drops began to fall, and the deluge came.

After that talk with Quitman, I kept pace with the rest, but I had the frankness to say everywhere that war was in sight.

By the rules of the House, a committee of the whole House is provided for, and, immediately after the reading of the President's message, it had been the custom for the House to resolve itself into a committee of the whole to consider the state of the Union. After this committee was resolved that session, the discussions were almost exclusively upon the subject of slavery.

In this committee, the Speaker has a right to select the subject he will discuss. The discussions were so bitter, and the members became so excited, that personal encounters were imminent at any moment. Before the close of the session, members of opposite parties scarcely spoke to each other. I spent a laborious six months, observing all the indications on both sides closely, and it was plain that matters grew more hopeless every day.

Congress adjourned in June, 1858, and members returned to their homes until December. A short time previous to this adjournment, an unpleasant incident occurred one night about two o'clock, on the floor of the House of Representatives. Most

of the members were sleeping in their seats, when Grow, a Republican member from Pennsylvania, crossed over from the Republican side of the house to the side of the Democrats. Keitt, from South Carolina, said to him, "What are you doing on our side?" adding, as he came nearer, "D—n you, go back to your own seat." Grow retorted, "You can't crack your negro-whip over me, sir!" Keitt then struck at him violently. In dodging this blow, Grow got completely to one side, and Keitt fell forward beyond him. As he sprang up, they found themselves back to back, and though both turned quickly to renew the combat, there was time for me to seize one of them, while some one else got hold of the other.

There was a rush from every part of the house, and as the tumult increased, blows were rapidly passed until four or five different combats were in progress. The sergeant-at-arms now rushed in with his mace, bearing the American eagle, and this symbol of authority quelled the disgraceful riot, and restored a state of order more seemly for the council chamber of a great nation. Many articles were published in regard to this affair, which led to great heat and disturbance, but resulted in no serious trouble.

General Quitman's health had become greatly impaired during that winter in Washington, and before the next session, he died at his home near Natchez. His disease and subsequent death were

attributed to the poisoned food served to President James Buchanan, at a banquet given him about the time of his inauguration. Whether that was the cause or not, he suffered grievously for many weeks, and died too soon to take part in the great struggle upon which his heart was set. Wherever he was translated, he must have been happy indeed, if his thoughts never reverted with longing affection to the stormy scenes of his earthly existence.

CHAPTER XXXV.

RETURNING home, I found the country prosperous, and the fields laden with abundant harvests. The wealth of the people was increasing rapidly, and the land seemed to be basking in the full sunshine of God's benediction.

[Sectional agitation had reached its height, and yet no one seemed to realize that it must result in war and all its calamities.] There seemed to be in every mind some vague expectation that, however fiercely these fires might blaze and threaten, they would in some way extinguish themselves in due time harmlessly.

Throughout this district my renomination had been settled upon. Early in July the district convention was held at Houston, and nomination made by acclamation. Soon afterwards the Whig party held their convention at Pontotoc, and adopted a resolution expressing satisfaction with my nomination, and then adjourned.

The same result occurred in all the districts in the State, the Hon. J. J. McRae being returned from the Quitman district.

This indicated that party passions were subsiding, and that the whole people were being fused

by the white heat of sectional strife into one homogeneous mass. Although there was no opposition, I made a thorough canvass of the district, telling the people frankly that war knocked at our doors. My object was to bring the subject fairly before them, and, if possible, to draw from them some expression of their real feeling as to the wisdom of proceeding to extremity.

Some time in the early part of August, a ship landed on the coast of South Carolina, bringing a cargo of Africans, who were sent into the interior of the Southern States. All the newspapers, both North and South, published the facts of this case with various comments. A gentleman of this district, who was desirous to make a race with me for Congress, conceived the idea of making the introduction of fresh African slaves on this occasion a pretext for taking issue with me. He therefore induced a friend of his, Charles Williams, of Okolona, to write a letter, in which he said, "Many friends desire to know your views upon this subject, and have requested me to ask you whether you are in favor of, or against, the introduction of new slaves."

As soon as I read this, I saw the mischief intended, and promptly replied that I had examined the platform adopted by the Houston convention, which had renominated me, and found nothing upon that subject; that I was not authorized to introduce a new plank into the platform, and must

decline to do so. Upon this the subject was dropped, and I heard nothing more about it.

My election took place without opposition.

Returning home from this canvass, I found my household in some bustle and excitement. Plans and debates were in progress, but not in any wise connected with politics or the fate of the nation. Friends had arrived from a distant State, and projects to give them pleasure and do them honor were in discussion.

It all came upon me in a burst. A grand party was to be given, and all the womenfolk in the house were planning who should be invited, and what should be done.

I listened with dismay, and sat silently counting up how many friends this one festival would probably cost me. Many of those who had supported me with the greatest zeal and fervor of friendship would surely be left out, and of course would be affronted—justly offended. All sorts of complications would surely arise. The more I thought about it, the more my heart sank within me. But what can a man do, when three or four dear women all talk to him at once; all bent upon having their own sweet way?

I think if he is wise, he will do as I did,—put on my hat without a word, and walked down town as fast as I could go, leaving the ladies to go on with their plans.

I made my way straight to the printing-office,

and had an interview with my friend, the editor. His paper was just going to press, but he was good enough to insert a small paragraph for me. This was in the form of a card of invitation, addressed to the people of Monroe County, and requesting them to honor me with their presence at a reception to be given at my house on a certain evening, when I should have much pleasure in greeting all my friends.

This done, I went about my affairs with a tranquil spirit, and waited for the bombshell to explode at home. Next morning the papers came out, and it was then my turn to behold consternation in the family.

There was not much above a week for preparation, but in those days provisions were abundant, and cooks numerous. I do not believe that there could be found anywhere any better artists in that line than the well-trained colored cooks of the days before the war.

As for me, spurred on by the reproaches of the gentler sex, who held me accountable for their dilemma, I performed prodigies in the way of sending in supplies. Poultry by the wagon-load, hampers of eggs and butter, young pigs and old hams, game in quantities, and hundreds of dozens of oysters from Mobile.

Cooks toiled, ladies and their maids decorated, and the result was delightful order and harmony after a week of chaos. The grounds were illu-

minated, long tables spread, the house thrown open, and our guests found all ready for their reception. It was with both pride and pleasure that I made them welcome, and rejoiced with the good friends who had been so kindly and loyal to me always. Also I had the satisfaction of knowing that the festival was entirely upon my own plan from beginning to end, and of believing it to be a success.

Many times since that day, when I have heard of this or that one being offended because not invited to certain entertainments, I have told my story, and boasted that I was the only man in Monroe County who ever managed to give a party without offending anybody.

Throughout the State all the elections went the same way. In fact, the Democratic strength was very much increased, and the Whig organization was feeble and broken. John J. Pettus was elected governor, and he was a disunion man of the most unmitigated order. Between us there existed a very warm friendship; and after the war began we acted together with extraordinary harmony.

I returned to Washington the last of November, prepared for the worst that could befall us as a nation. In private conversation, I did not hesitate to express my conviction that the chances for war amounted almost to a certainty. Arriving a few days in advance of the meeting of Congress, I

thought I could observe in the members with whom I talked an ardent desire to precipitate the conflict.

As soon as the members assembled, it was in order to elect a speaker, and we prepared for a vote. Bocock was put in nomination by the Democrats; John Sherman by the Republicans, and John Davis by the three Douglas Democrats.

A vote was taken, which developed the fact that the three factions, Democrats, Whigs, and Douglas Democrats, had a majority of one vote over the Republicans. The House adjourned until next morning. Everything was in commotion; many consultations were held, but nothing was effected in the way of reconciling and harmonizing the discordant elements.

I was only a looker-on, not pretending to leadership among so many wiser and more prominent men, but I made careful observations upon men and possibilities. Everywhere the same restless and feverish spirit was displayed,—in the House, at the hotels and club-rooms, and in groups upon the streets. It was evident that the stability of our republic was on trial, and that the last days of the government, as it then existed, had come.

The conservative element in the House was extremely small, most of its members being of the age when the fighting instinct is at its maximum, and the instinct of discretion at its minimum.

Those who were, in their hearts, desirous of peace, dared not say so. The words traitor and apostate would have been hurled upon them from every side.

There were few men of ripe age upon the floor, most of the members belonging to the generation which came to the front between the years 1835 and 1855.

Among the veterans was the venerable Mr. Giddings, who had been for many years the great leader among the emancipation agitators. I never saw a more remarkable man, nor one who was inspired by a spirit of more concentrated bitterness. He was very old and infirm, but his hatred for the South and for slavery glowed like the hot fire of youth in his veins, and seemed potent enough to vivify with new energies his exhausted frame. The hoarded hate of a lifetime gleamed in his sunken eyes, and gave ferocity to a voice that was like the growl of a tiger about to spring upon his prey. I used to watch him with the sort of fascinated interest which the display of strong and sustained passion is sure to create, and I remember how the alertness of his attitude and the suppressed passion of his face used to suggest to me the idea of some fierce creature crouching for a spring. To this day I believe that it would have given him pleasure to behold the South desolated with the sword and with famine and with pestilence until neither man, woman, nor child remained. He had poured

out so much tenderness upon the slaves that there was not a drop of pity in his heart for even the innocent babes of the slave-holders.

Owing to the infirmities of his great age, he could not make a long speech without bringing on convulsions, but he was always in his place, suggesting and planning every movement, and the soul of every aggressive measure. Instead of moderating the stormy passions of younger men, the glare of his furious eyes woke up responsive fires in both friend and foe.

There could not have been a greater contrast between two men than was exhibited by Mr. Giddings and his contemporary, Mr. Corwin. He was a grand man, had been a giant in his prime, and still spoke with unusual power and eloquence. Whenever an opportunity offered, he sought to pour oil upon the troubled waters, and would gladly have saved the Union, and averted war by any possible concession. I have always had great admiration for his candor and courage, and cherish sincere respect for the memory of a man whose patriotism embraced all sections, and whose philanthropy excluded neither bond nor free.

It may safely be said that there were few men in the House the equal of either Giddings or Corwin in their best days, but there were many who excelled them in subtlety of thought and quickness of invention. Alexander Stephens had already won a national reputation. His speeches were

beautiful, but not energetic or vivid. He was conservative by nature and by his intellectual bias, but he made no effort to avert the storm. His great personal influence might have availed much against secession, if he had thrown it that way, but he lacked moral courage to oppose the current of popular passion.

The House met according to adjournment next day, and instead of voting, the ablest and most eloquent members on either side began what they called discussion. In point of fact it was chiefly invective and fierce recrimination. Intemperate speech excited angry rejoinder, and so passion lashed itself into fresh fury.

The speeches soon became personal, and all reasonable discussion of principles ceased to be possible.

It was, perhaps, not in the nature of men that this should be otherwise. The controversy was the outcome of a direct attack by the Abolition party upon the property interests of the South. Whatever abstract right or wrong there might have been on either side, — a question altogether beyond the scope of these pages, — the actual result was a contest for and against slavery and its perpetuation and extension.

There was little moderation observed on either side, and none could be expected. Men may fence with courteous chivalry in mimic warfare; but when it comes to the death-struggle, it is the sav-

age within a man's breast that grapples with his foe.

All this time the House was not organized, and the rules were not, and could not be, enforced until a speaker was elected. The clerk was virtually the presiding officer, but in that capacity his jurisdiction extended over but one subject — the election of speaker.

In the evening, a vote was taken, each of the four candidates receiving his full party strength. The House then adjourned.

This condition of things continued for nine weeks, the Republicans steadily voting for Mr. John Sherman. The Douglas men adhered to one of their own number, while the Whigs and Democrats often voted together, constantly making efforts to create a union with the Douglas Democrats, only three in number.

Every such effort was abortive. The Douglas Democrats made the acceptance of one of their number a *sine qua non* — while the Whigs absolutely refused to vote for any of the three.

During those nine weeks some personal encounters occurred. It was whispered about that a majority of the members on both sides went constantly armed in expectation of a general affray, and such a calamity was no doubt apprehended. It was asserted, with how much truth I do not know, that parties were stationed in the galleries, secretly armed with explosive missiles, to be cast

among the combatants in case of sudden collision ; I know that many of the members had no doubt that some such tragedy might be enacted at any moment. It is not, perhaps, too much to say that seeds of bitter discord were sown during those nine weeks, the fruit of which has been eaten in sorrow by children then unborn. The fathers ate sour grapes, and the children's teeth have been set on edge.

I remember that it was on the tenth day of December, when some of our voters were absent and could not be brought back immediately, that our leaders discovered that a vote would be taken. It was necessary to gain time, or Sherman would be elected by the absence of our men.

In this emergency I was pressed into service, because they said a long speech would be required to consume the day, and it was thought that I could speak longer without preparation than any man on our side. I was urged not to stop, upon any account, until time to adjourn, and to make my speech as fiery and uncompromising as possible.

With these instructions I began, and spoke for four mortal hours. I announced that war was inevitable, and that the South was prepared for it, and would begin the fight whenever called upon. That we admitted how greatly the North was superior in numbers, in the munitions of war, their facilities of transit, their navy, and their treaty relations with other powers. All these things were

against us, but we defied them all. They might strip us of all we possessed, but their title-deeds should be written in the best blood of the nation. Great excitement was manifested during this speech, and at its conclusion the House adjourned.

The next day, Mr. Thomas Corwin made a special reply to my speech. Up to that time he had not addressed the House. He was calm and dignified, and spoke slowly but with power. He went into an elaborate examination of the causes of trouble, showing great ability and candor, and counselling moderation on both sides as the first step to peaceful adjustment.

At this point he turned and addressed himself to me. He said, "You, sir, have announced that the South will fight. I do not doubt it. Alas, it is but too certain. Neither can I doubt that the fiery spirit of her sons will lead them on to a brief success; perhaps for one year, perhaps for two, they may be victorious in every battle. But the old Puritan blood will arouse itself at last, and then, woe to the conquered! You will never win another battle; you will be overpowered, broken, and impoverished. In view of these things, the South should take prudence among her counsellors, and learn by moderation to avert destruction."

I was strongly impressed by these pacific admonitions, and by the earnest solemnity of the good man's manner. Many a time afterwards his words came back to me like a prophecy, especially

in the dark days when defeat followed defeat, and the destruction he had predicted was upon us.

However fully we might realize the magnitude of our undertaking, it was too late to draw back. The South must vindicate her honor, if she lost all else. Our purpose grew and strengthened day by day.

CHAPTER XXXVI.

WE had now wasted nine weeks. Nothing had been accomplished, beyond adding fury to fury. There had been no legislation — no steps for the public good, and no one could foresee where this deadlock would end.

Everybody was startled when Mr. Burns, a Democratic member from the city of New York, rose in his place and announced that on the morrow, at two o'clock, he would vote for Mr. Pennington, a Republican from New Jersey, unless the Democrats, Whigs, and Douglas men should unite upon some one by that hour. A committee from each of these factions was selected to act in the meantime. This committee met at night, and continued their negotiations until nearly morning, but without effect. The Douglas Democrats offered one of their own number, adhering with dogged pertinacity to this point. The Whigs refused it with equal stubbornness.

The House met next day and a vote was taken. Burns refused to vote when his name was called. When the roll was completed, he requested the clerk not to announce the result for one hour, giving as a reason that this delay was needed for

further consideration and effort. He would then, by his vote, decide the contest.

The hour expired, and Burns voted for Mr. Pennington. Instantly, every Republican changed his vote to Pennington, and he was declared elected. After taking the oath of office, he was conducted to the speaker's chair, and proceeded to call the House to order. He had no sooner taken his seat, than at least fifty men, on the Democratic side of the House, jumped up and began to shout "Mr. Speaker, Mr. Speaker." He brought down his mace and commanded order, but with no effect.

This scene continued for some time. I was disgusted with this gross disrespect shown to a man who was conspicuous on all occasions for the amiability of his character, and for the gentleness and courtesy of his manners. In the midst of the uproar, I made my way quietly to the speaker's stand, and whispered in his ear. I said, "Mr. Speaker, this conduct is intended to annoy you. Put down your mace, fold your arms, and lean back quietly in your chair. When these fellows have howled for a time unnoticed, they will become ashamed of their own rudeness, and you will have no more trouble." He thanked me, and adopted the suggestion. Very soon the most respectful silence ensued. I took advantage of this to move the adjournment of the House until the following day.

On the next day I had occasion to see Mr. Buf-

finton, of Massachusetts, in reference to a matter in which I felt some interest. There were two pages on the floor who were there by my appointment, and I was anxious that they should retain their places. Mr. Buffinton was very polite, but said he must consult some of the Republican leaders, and also the speaker. He came back in ten minutes, saying it was all settled in my favor, adding that he and his friends would be glad to serve me in any matter consistent with their party obligations. I will say here that I was always treated personally with great courtesy by the Republican members, although classed as ultra in my views, and belonging to what were called "fire-eaters."

[To say that the nomination and election of Lincoln caused the war is to make a mistake. It was the signal for battle, but the troops were marshalled and war declared, long before. During the long contest for speaker, passion on both sides had been intensified, and the excitement and danger of collision continued to increase until the last hour of the session.]

Lincoln's nomination took place about two weeks before adjournment. The intelligence came like a thunderbolt. Members from the South purchased long-range guns to take home with them. The unthinking among them rejoiced that the end was in sight, but those who considered more deeply were dismayed by the prospect.

It was regarded almost certain that Lincoln

would be elected, unless Breckenridge or Douglas could be withdrawn from the field, and it was idle to hope that this could be done.

The day before the delegates for the Republican convention left Washington, Giddings made his last speech upon the floor of Congress. He urged the delegates to hold fast by the integrity of their convictions upon the subject of emancipation, and to nominate only a pronounced abolitionist for President. Every moment he became more fiery and vehement, until his words seemed charged with hate and vengeance. So great was his passion that he was thrown into strong convulsions, and fell upon the floor in what seemed a lifeless condition. His friends carried him home, and, so far as I am informed, he was never again in public.

The presidential campaign was, as was inevitable, one of extraordinary violence. In all my speeches in Mississippi, I broadly asserted that war was unavoidable. For this I was often blamed, but I replied that it was our duty to deal frankly with the people, who had confided such vast interests to our hands.

Governor John J. Pettus issued a proclamation, by which he called upon the legislature to meet, in extra session, upon the third Monday in November, 1860. He also invited the senators and representatives to meet him in Jackson, some days before the meeting of the legislature, in order that he might counsel with them in regard to his mes-

sage and what he should say upon the subject of secession.

We met there upon this invitation. Congressman John J. McRae was not present. There was much discussion, in which divers opinions were maintained. Some opposed separate state action in secession. Some were opposed to secession, unless eight other States would consent to go out at the same time.

As these discussions were prolonged without seeming to lead to anything definite, I at last proposed a resolution that the governor should recommend the legislature to call a convention to secede the State of Mississippi, by separate action, such action to take effect *eo instanti*.

This resolution was voted for by Governor Pettus, O. R. Singleton, William Barksdale, and myself. It was practically a declaration of war.

Governor Pettus then showed us a telegram which he had received from the governor of South Carolina, requesting his opinion whether the South Carolina secession convention, which was then about to meet, should make their ordinance of secession take effect instantly, or on the 4th of March.

Being called upon for a resolution upon this point, I offered one that the reply should advise the ordinance to take effect instantly. The same four votes adopted this resolution also, and our

work was done. If a convention was called, and delegates in favor of secession elected, there would be no pause or tarrying.

Hon. L. Q. C. Lamar and General Ethel Barksdale were invited by the people of Brandon to make addresses at that place, the day after these resolutions had been adopted.

Returning home, it was necessary for me to pass immediately through Brandon, and Lamar and Barksdale, with their accustomed courtesy, sent me an invitation to arrange my journey with reference to joining them. It was with great pleasure that I accepted this invitation, knowing that I should hear from both gentlemen speeches of unusual eloquence.

Mr. Lamar made the opening address, speaking with even more than his wonted fluency and beauty. It is useless to attempt to describe his peculiar style. His fame is national, and he stands upon a pedestal wrought out by his own great gift of words. It was remarked that in this speech he made no reference to the possibilities of war, or the horrors that must result from disunion.

As soon as the applause which greeted the conclusion of Lamar's address had subsided, General Barksdale invited me to speak. I had made no preparation, but the subject to be handled had occupied my mind exclusively for many weeks, and had become so much a part of my conscious-

ness that I had but to look at a crowd and open my mouth, and speech flowed spontaneously. I was, so to speak, so saturated with the thoughts and passions of the time, that the difficulty was not so much how to speak as how to leave off.

After stating the issues between the two sections, I informed the people how far, and in what spirit, the struggle had been carried on, telling them frankly that we had reached a point where to turn back would be dishonor.

They listened with the gravity and profound attention which the subject demanded.

General Barksdale concluded the discussion with a very able and handsome address. He displayed so much force of thought and energy of diction that he carried his audience with him throughout.

As we came down from the stand, some of the principal citizens in the crowd came to me, and said, "Your boldness startled us. Is it your sober judgment that we are in such peril as you have described?" I replied that by the first of January they would see for themselves.

A gentleman then said, "I believe your opinions are correct, but do you not doubt the propriety of saying these things in public? Would it not be wiser to preserve a discreet silence until everything is ready?" To this I made answer that it was the people's right to know where they were going, and our duty to give them fair warning. Otherwise, they might justly utter the reproach

that they had been led blindfold to the very brink of a precipice, and their representatives had given them no warning. The gentleman looked at me for a moment as if in doubt, and then said, " Well, that 's honest, any way."

CHAPTER XXXVII.

WHEN Congress opened, the senators and representatives from Mississippi were all in their places. The South was dignified and composed. All the turbulent passion which had been displayed during the past session seemed to have been laid aside, and replaced by the order and method of men bent upon serious business. It was no longer necessary on either side to lash the popular feeling into fury. The question now was how best to steer our bark through the raging tempest.

It was plain that the South knew what was coming, and awaited the shock with stern determination.

The North exhibited disquietude, and the apprehension of evils which she wished to avoid, but did not fear. [I spent much of my time in consultation with Mr. Floyd, secretary of war, who had been for twelve months, and still was engaged in sending to the Southern arsenals all available arms under his control. He had put our forts in such condition that it would be easy to capture them, and prepare them for immediate occupation.

His estimate was that fully half of the munitions of war in his department were in the South on the 15th of December, 1860.]

The danger of disunion by secession became so imminent that, on the 10th of December, Mr. Boteler, of Virginia, moved that a committee of thirty-three members be appointed, one from each State, to consider the danger, and inquire into the possibilities of adjustment. This resolution was adopted, the committee being appointed by the speaker, and announced a few days thereafter.

I was appointed for Mississippi. As soon as my name was announced, two of the members from my State came and asked me if I intended to serve. I told them I would, from convictions of duty. One of these gentlemen went directly to the senate chamber, and in a short time Colonel Jefferson Davis came to my chair, and asked me if I had fully resolved upon my action.

I replied that I had. He looked at me for a moment, and saying, "Then it is useless to say anything to you," turned and left the hall.

For a week I was treated with marked coldness by the representatives from the whole South, and disagreeable consequences were predicted. In a few days letters poured in upon me from Mississippi, condemning my action, and assuring me that there was danger that I would not be allowed to return to the State. I wrote a letter to Boyd Brothers, Democratic editors in my town, and stated the fact that such letters had been received, and that I adopted this mode of reply.

I said, "The writers of these letters, the authors

of these threats, do not understand the magnitude of the action they propose. They seem not to realize that they are inviting the people of this nation to a feast of blood. I hope they may find the dishes to their minds. For myself I confess that I have no relish for them. I know that it is upon the masses of the people that these horrors will chiefly fall, and I would gladly save them, but I will never consent to any step that could impair the honor of Mississippi."

The committee held its first meeting, and organized by electing Hon. Thomas Corwin, of Ohio, chairman.

We met again the next day, and after some general conversation, it was suggested that the South should present a memorandum of her complaint against government, and assign reason for her proposed action of withdrawal from the Union.

No response was made. It was then said that Mississippi was in the lead in the secession movement, and that it was, perhaps, my duty to furnish a list of grievances. I replied with some warmth that I would furnish no list; the causes of complaint justly made by the South were well known, and required no specification in writing. As, however, gentlemen seemed anxious to hear from us on the subject, I would repeat what I was in the habit of saying to my people from the stump. I went on at some length, and if I spoke bitterly and with some angry vehemence, it was because I

but upon the foundation of a wronged and outraged people, and their righteous indignation poured itself around me. I trusted that the conscience power of the Southern States had never been excited, and our equality denied, and went on to state our pretences as fully as I could present them.

The reply was vindictive and defiant. It was declared that the Northern States had no apologies to make in regard to their course with reference to slavery, and no guarantees to offer for their future action. It was also boldly asserted that not one foot of territory should ever thereafter become the home of a slaveholder.

At the conclusion of this speech, I moved that the committee should adjourn, and report to the House our conviction that troubles between the sections had reached a point where adjustment became impossible, and no remedy remained but the final appeal to the God of battles. This was voted down.

After some further agitation, General Rust, of Arkansas, became alarmed by reports which he received, which convinced him that the war spirit throughout the South was becoming rampant, and beyond control. To quiet this he offered a resolution on the evening of the 13th of December, declaring that the compromise committee was progressing harmoniously, and would certainly agree upon some measure which ought to satisfy the

South. In offering this resolution, he made the remark that it was necessary to adopt it in order to arrest secession. I said, "General Rust, you must know that your resolution asserts what is entirely false. Do you propose deliberately to deceive your whole people?"

He made no reply, and I went on to state that when that resolution was adopted, I should report to my Southern friends, and that we should send out a strong denial, saying to the South that argument was exhausted, and that the whole action of the committee showed determination to go to the extent of emancipation.

The resolution was adopted, and many Southerners assembled at my rooms to consult upon our next step. This was on the 14th of December. We united in preparing a manifesto, which we telegraphed to all parts of the South. From that day there could be no hope of peace.

A recent writer upon the history of Lincoln has made it appear that the resolution was in reply to the telegram. This is a mistake. The telegram would never have been thought of, if the resolution had not been adopted.

On the 15th of December, desiring stronger proof of the absolute hopelessness of any agreement, and to leave no opportunity for misrepresenting the truth of history, I prepared a resolution as follows: "Be it resolved, that the Constitution of the United States of America recognizes

property in the slave, and that it is as much the duty of the general government to give protection to that species of property, both at sea and on land, as to any other species of property known to our institutions and laws."

This resolution was submitted to each of the Southern members of the committee, and it was endorsed by all. We agreed to submit it, on the following day, to the committee as a final test. If adopted, it should be reported to the House with a recommendation that it be adopted as a final settlement of the slavery question. If rejected by the committee, we would withdraw, and not meet the committee again.

In accordance with this agreement, the resolution was offered next day, and voted on without discussion. The vote was a tie — fifteen to fifteen. Corwin, the chairman, gave a negative vote, and defeated the resolution.

The defeat of this resolution was a negation of the claim of property rights in the negro, and a denial of the assertion that it was the duty of the government to give protection, either by sea or land, to any such claim. It was emancipatory. Taking this view of the action of the committee, Southern members held that those who had signed the telegram were justified in asserting that "the argument has been exhausted."

The alternative was now submission, or resistance by force of arms.

The Southern members of the committee, in accordance with previous agreement, withdrew from the committee-room, and returned to their places in the House. Being in advance of the others, I was excused from the committee on my application. The Republicans discovered, when too late, what action had been taken, and resolutely resisted the relief of any other member.

The committee in this form continued its existence until the adjournment of Congress.

After this time, I gave no further attention to the business of Congress. A call had been made for a convention in Mississippi, and delegates in favor of secession had been elected, and I, therefore, considered myself already out of the Union. On the 5th of January, 1861, I left Washington for home. The convention was then in session. It was on a brilliant winter morning that I crossed the Potomac, and, looking back at the Capitol, saw the Stars and Stripes drooping in the still, cold air. Around that flag the whole South had rallied, not many years before, with passionate pride and devotion. Our proudest recollections were of the days when our gallant youth had followed it to victory. It was with a fierce pang of renunciation that we left it, even to obey the call of the State we had been taught to regard as sovereign as well as mother.

At Corinth I met the tidings that the ordinance of secession had been adopted by the convention.

Mississippi was now a separate nationality, and expected soon to become a coördinate power in a Southern republic.

Most of us knew that war would follow, but we had all the confidence of stout hearts and small experience. Our state of preparation was, in some respects, more complete than was generally known.

The regular army was very small, and I believed that our people would, at the beginning, make more efficient soldiers than those of the North. As a rule, we were more accustomed to the use of firearms, and also to a more active and adventurous life. Familiar with exposure and danger from early youth as our men were in their habits of sport and exercise, they were more like veterans in all except drill and discipline than like raw troops.

Revolution is the offspring of enthusiasm, and I hoped that our enthusiasm would enable us to settle the war within the first twelve months, and before our inferiority in numbers and in supplies of all kinds could be greatly felt.

Passing from Corinth to Aberdeen the next day on the Mobile and Ohio Railroad, I was scarcely out of the sound of cannon all the way. At those stations where cannon could not be procured, anvils were brought into requisition, and were managed with so much skill as to produce an equal uproar.

Although it was past noon when I got home,

people were so excited and eager for fresh information that I was informed it would be expected that I should address the citizens at the court-house after supper. I spoke deliberately, and confined myself to a conversational style, so as to relate, as nearly as possible, such facts as I was acquainted with. I told them that secession was accomplished, but that we should now find that peaceable secession was an idle dream. That war was already begun, and our only hope was in the wisdom of our plans and the courage of our hearts.

Some of my friends came to me, and said, "Your frankness will do you harm; people will call you an alarmist." To this I replied that I had always found the straightest path the safest in the long run, and that I had rather be accused falsely of alarming the people, than to deserve the accusation of misleading them.

The convention at Jackson was still in session, and I received a telegram inviting my attendance. I went, and had much conversation with the different members. Many of them said openly, This is but a demonstration inviting concession, which concession will be promptly made, and the disrupted Union fully restored within the next twelve months. These were the political demagogues — unthinking leaders of the people, who had become prominent on account of their brilliancy of speech, and not by any power of logic or solidity of thought.

While this convention was in session, a gentle-

man by the name of Ayers came to Jackson, and offered to sell to the State the finest machinery for manufacturing small arms then in America. It had been prepared under a contract with the United States, but Mr. Ayers said he had ample time under his contract to duplicate this, and he was willing to do so, and to receive the bonds of the State as purchase money. Incredible as it may appear, this favorable offer was rejected upon the plea that there would probably be no serious war. Immediately upon my arrival in Jackson, I was informed of this offer and its refusal, and I went to the governor, and urged him to accept the proposition, and have the machinery forwarded at once. This advice was disregarded, and bitter was the regret afterwards felt for such ill-timed economy.

The convention passed a bill creating what was called a military board, to be composed of the governor, one major-general, and four brigadiers. This board was to have charge of all matters of war, raising troops, etc. Colonel Jefferson Davis was chosen major-general. The brigadiers were Alcorn, Clark, Van Dorn, and A. M. West.

This board at once ordered to the field four or five regiments. The people responded promptly to every call made.

In a short time Jefferson Davis was elected provisional president by the constitutional convention. The governor filled his vacant place on the military board by the promotion of General Van Dorn, ap-

pointing another brigadier to fill his place. Promotions rapidly succeeded until Alcorn was next in the line of preferment.

For Alcorn Governor Pettus entertained bitter dislike, and he therefore refused to promote him. Pettus telegraphed an order to me to come to Jackson without delay, as he had use for me. When I got there, he offered me the position of major-general. I told him I could not accept that place, because Alcorn was entitled to it; but if it would suit him to give that to Alcorn, I would accept his place as brigadier. Governor Pettus promptly refused this, and insisted that I must take his first offer.

A meeting of the board had been appointed for the following Monday, and I agreed to consider the matter until then. He then said, "You may as well accept now, for I will never promote Alcorn." On Monday, Alcorn arrived in Jackson, and I went to him, and told him of my interview with the governor. I said to him, "You are entitled to the place; and if you are willing to accept it under the circumstances, I will bring such pressure to bear upon Pettus as will force him to make the appointment." He thanked me, but said he could not and would not take the place, and that I must. He added that he would meet the board that day, but would resign his position as soon as the business of the meeting was ended. I begged him not to do this, as there were views to be car-

ried out, and his services were necessary to their accomplishment.

He asked me what these views were. I told him in reply: "We are entering upon a most gigantic war, and no preparations are being made for the protection of this great valley, lying between this point and Cairo. You cannot fail to see how important this valley is in a strategic point of view, and the fact is that the enemy is even now concentrating at a point from which their troops can be thrown upon us early in the coming fall. The government is doing nothing, and Mississippi must provide for her own defence.

"Eighty companies have organized and tendered their services to the governor. These must be accepted and put into camp."

Alcorn reflected upon all this, and then said that he agreed with me, and would retain his commission in order to coöperate in bringing about requisite action. There were two vacancies on the board, which were to be filled by the major-general.

General A. M. West was then brigadier. General Alcorn employed a mutual friend to interview General West, and discovered that he would act in harmony with our movement. Governor Pettus hesitated, but I persuaded him to adopt our measures. Assured that the board would harmonize, I said to General Alcorn that I thought it would be more prudent not to fill the vacancies until our

policy should be firmly established. The board met, and we fully carried out the measures as agreed upon. The meeting then adjourned.

As soon as the board adjourned, my authority became absolute. The convention had made no provisions for controlling my action. A proclamation was at once issued, accepting the eighty companies already tendered, and ordering them into camp, at points selected in different parts of the State. These companies were divided into four brigades. Alcorn and West, with two newly appointed brigadiers, took command.

The military machinery adopted by the convention was simple and easily operated. It was the work of men intellectually the ablest in the State. I could say much of them all, but the prescribed limits of these pages will not admit. I must, however, mention one of these delegates, one of the most extraordinary men this State has ever produced, Wiley P. Harris, of Jackson. That name recalls at once to many in all portions of Mississippi the image of a tall, slender figure, crowned by a most intellectual head. Nature seems to have endowed him with all the qualities requisite in a great lawyer and a magnificent orator. He still lives in the fulness of his fame, and, not many months ago, being employed in a great murder case, made an argument so powerful in logic, and so beautiful in diction, that a great name might be built upon that effort alone.

CHAPTER XXXVIII.

No sooner were these brigades ordered into camp, than the order was denounced as an act of the most useless and wicked extravagance. Governor Pettus and I were held responsible, and cursed with great heartiness from one end of the State to the other. Appeals were made to me in person, and by letter, to revoke the order and disband these troops. It was declared that by no possibility could these men be required for service, and that our sole object was display and to make ourselves prominent.

There was nothing for us to do but to endeavor to possess our souls in patience, and to trust to coming events for our vindication. I said to those who appealed to me, "Our people have invited war, and it is our duty to prepare for it. If I had the power, I would call out one hundred thousand men, instead of the eight thousand to which the convention has limited me. I have a military duty to perform, and it is better for two men to render themselves odious to the people than that no preparation be made to resist the invasion of the enemy. Time will show which of us has judged correctly, and in the mean while no power or per-

suasion can influence our action." Everything was pushed forward with as much alacrity as if our plans were endorsed by the whole State.

The troops concentrated at the given points with the greatest zeal and dispatch, and I gave special attention to the duty of furnishing supplies without delay. There was not, in a single instance, a failure to have full rations. I heard of no dissatisfaction or complaint among the troops, except on one occasion.

General O'Farrell had command of the brigade near Enterprise, and discord arose between the two regiments to such an extent as to threaten actual conflict. I had been at Jackson, and returning home, met General O'Farrell at Meridian. He told me of the trouble, and said it had gone beyond his control without my aid. The train for Mobile had gone, but an engineer was found, who fired up an engine, and took us to Enterprise promptly. It was early dawn when we got there, and we obtained a buggy at once and drove out to camp.

It was well known that a certain captain was the instigator and leader in all this disturbance. As we drove into camp, I was recognized by the drill-master, who came to me and said we had come in good time, as the danger of immediate collision was great.

I directed him to go to Captain Armstrong, who was my friend, and whose men were well armed,

and tell him to form his company at once, with fixed bayonets, and throw them out upon the parade ground. This was promptly done.

Orders were then sent to each company to form their regiment at once, and this also was obeyed. In the mean time the belligerent captain appeared with a large knife in his hand. As he approached us, I suddenly reached out and took possession of the knife. He began to say something, but I ordered him not to dare speak to me when he stood there a shameless leader in disorder and mutiny. He was sent to his tent under arrest. Captain Armstrong wheeled his company in front of the two regiments, and I then made a speech to officers and soldiers, and dismissed them. A court-martial was held, and the recusant captain was tried and convicted of disorderly and unsoldierly conduct. He was sentenced to be drummed out of camp, which decree was promptly executed, and the trouble ended. This was the only difficulty we had during the summer with those fresh troops. Their spirit and conduct were most admirable.

Before these troops were organized, the governor convened the legislature in extra session. This was in July. I went to Jackson, and was soon invited by the military committees of the two houses to meet them in consultation. They very soon suggested the propriety of disbanding these troops, giving as a reason that the last battle of the war — meaning the battle of Bull Run — had been

fought, and that no possible necessity for these troops now existed, or could exist thereafter. In reply, I maintained that it was evident that they had not considered the subject well, and had not made themselves acquainted with the movements of the enemy. Otherwise, they could not advise the dispersal of the only force we had raised in defence of our great valley. I asked them to explain why a vast army was then being assembled at Cairo, if not with the purpose of invading the valley of the Mississippi in the fall of the year. And I told them they knew very little of the Yankee character and energy, if they believed we should find our work so easy. My only regret was that I had not the power to call out a hundred thousand men, knowing that even that number would be inadequate for the struggle now upon us. The whole committee pounced upon me with fury. They said they must introduce a bill into the legislature to coerce me.

I replied that the ordinance of the convention authorized me to put these men in the field, either for drill or for the defence of the State. That they might pass a bill to prevent me from retaining them for drill, but I would tell them frankly that if they attempted to introduce a bill denying me the right to keep them for the defence of the State, I should regard them as traitors, and bring a regiment to disperse, and perhaps hang them. Having deliberately chosen war, they should not trifle with the safety of the people.

The next day, a bill was introduced into the House of Representatives, declaring that if these troops were in camp for drill merely, it was ill-advised, and they should be disbanded and sent to their homes. Very little consideration was given to the bill, nor was it discussed. It passed the House without opposition, and was sent to the Senate for concurrence on Friday.

The Senate invited me to discuss the merits of the measure, and to give my views upon the necessity of retaining these troops in camp, and upon the progress of the war; and for this purpose tendered me the use of the senate chamber, on the night after.

The senate chamber was filled to overflowing, the people thus manifesting their deep concern in the questions to be discussed. I spoke for two hours, supporting to the best of my ability the position that the war would be protracted and desolating, and that emancipation would inevitably follow our defeat. I urged upon them the necessity of calling out a hundred thousand additional men, and assured them that under no circumstances could I be induced to disband the handful of brave men already in arms for the defence of the State.

When I sat down, approbation was testified by universal applause, which was all the more gratifying to me because I had been so long the target for public reprobation.

On Monday, the house bill was called up in the Senate, and, upon motion, indefinitely postponed. A few days before this, a state convention had been held, and Governor Pettus renominated. This convention had shown a good deal of dissatisfaction with Pettus because he had consented to this call for troops, but it did not amount to actual opposition at the time. Ultimately, this dissatisfaction deepened into direct and positive hostility, and the hostile element put McAfee forward in opposition.

The storm darkened rapidly, and seemed to portend disaster. Pettus and I met for consultation, and he suggested the propriety of his withdrawal from the contest. I was shocked by this proposal, and told him that it would be a fatal blunder, as to yield at that crisis would forever crush him. The most overwhelming defeat would be better for him than such a course, as the wisdom of his action must soon be vindicated. I hoped this vindication might come even before the election, but come what would, we must make a bold stand.

We agreed that he should telegraph the military authorities at Richmond, asking whether the troops would be required for actual service by the first of October. Should the reply be favorable, it must be published, and McAfee would be forced to retire from the race.

On the other hand, should the reply be unfavorable, he could pocket it and we would keep our

own counsel. Pettus telegraphed, and received a reply, condemning the whole thing, and saying these troops would never be needed in the field.

This was a blow, but we resolved to die hard. I said to Governor Pettus that I was far more odious to the people than he was, but I would announce myself a candidate for Congress in the district embracing the northeastern corner of the State, and would speak somewhere every day in his vindication. This I did, though I am confident I would not have received five hundred votes if the election had been held the next day.

The brigade at Iuka was not yet organized, and I went there to aid in completing the organization. The elections for field-officers were held the day after my arrival, and next day there was a review. General Alcorn and I were riding about the grounds, when a telegram was brought me. It was from Governor Pettus, requiring me to take the first train and report to him at Jackson without delay.

As soon as I entered the governor's room, he handed me a telegram from the war department, requesting that he should at once turn over our troops to the Confederacy, as an unexpected emergency called for them.

The transfer was made, and my responsibility, of course, was ended. Scarcely a battle was fought in the valley of the Mississippi in which these troops were not engaged, and their heroism and

gallantry were unflinching. Many of them fell nobly on the field of battle, and many of those who survived were scarred by honorable wounds. I watched their career through all the dreadful days that came after, with pride in their achievements and sorrow for their sufferings.

Our vindication had come at last, and McAfee had no choice but to withdraw from the canvass. Pettus was reëlected without a dissenting vote, and I received a majority of twenty-seven hundred votes. It was impossible that our action should receive a more complete endorsement than the people now gave on all sides. The soldiers, almost to a man, had from the first been with us heart and soul. To this day when, as occasionally happens, I have the pleasure of meeting one of those brave men, I never fail to receive a greeting full of cordial and affectionate kindness. Most of them were light-hearted boys when I first knew them, and now they are gray-headed men; but I always think of them as the gallant young fellows who endured hardships with unconquerable patience, and braved death with unshrinking courage. May they live long and prosper!

Soon after this election, the Mississippi legislature met in regular session. Having nothing of importance to engage their attention, they determined that they would amuse themselves by remodelling the whole system provided by the convention for furnishing generals for state service.

They therefore repealed the whole machinery put in motion by the convention, and enacted a law requiring all generals for the state service to be elected by the people at stated periods.

The wisdom of this enactment was in accordance with the general policy of delay so conspicuous in all our military operations. It needed but a moment's consideration to perceive the mischievous and fatal complications which must arise from such random legislation. Let a general be killed in battle, or die by the visitation of Providence, and the army must be left without a commander until the people were called together by the slow processes of the law, to elect some good-natured gentleman, whose popularity was tolerably certain to be based upon the very qualities which rendered him unfit for the position.

This admirable piece of folly was about on a par with another enactment, which required the governor to call out ten thousand men for sixty days' service in the State of Kentucky. They were to be called out in the depth of winter, and to be armed with double-barrelled shot-guns. Many of these guns, when handled with skill and care, shoot about once in ten snaps.

This legislature began its session, as I recollect, early in the month of November, 1861. I was in Jackson when it met, having gone there to settle my accounts with the State, and to show what use had been made of the money — something over

one hundred thousand dollars — which had been furnished for the use of the eight thousand troops, before they were turned over to the Confederacy. Some of the most prominent members of the legislature came to me to consult about the propriety of both the measures mentioned above, and I strongly advised against them. I endeavored to open their eyes to the obvious fact that military necessities must be met promptly, and that the election of military officers was obstructive and disastrous.

The reply was that all this was true, but that, on the other hand, the governor was apt to have his favorites, and often set aside very competent men because prejudiced against them. They argued that the people would generally choose the sort of demagogues who were often found to be of the best material for military success; and wound up by asserting that Alexander the Great was a successful soldier because he began by being a successful demagogue.

This last overpowering illustration ought to have reassured me, but, as it happened, I knew Mississippi as well as most men, and could not be persuaded that there were countless Alexanders hidden within her hamlets, awaiting the voice of the populace to call them from their inglorious repose.

The other measure was so egregiously wrong that I could not believe it possible for any body of sensible men to adopt it. It was, however, carried

in the legislature, and the bill sent to the governor for his approval.

In this bill it was provided that the officers to command the troops to be called out for sixty days should be appointed by the governor. Why this clause was introduced, so at variance with the last measure passed by the same body, was not known, but it was surmised that there were some military spirits, among the legislators, who hoped thus to gain promotion. The governor signed the bill, but, before reporting it back to the legislature, he announced his design of appointing me as major-general, Alcorn as brigadier, and designated Grenada and Corinth as the points of rendezvous.

Having taken these steps, he sent for me and informed me of his action in the matter. I appealed to him, as a matter of personal friendship, not to let it go any further. He replied, "In my judgment, you can perform the duty better than any man I can get hold of. I shall appoint you, and you will have the alternative of accepting or refusing."

I pointed out to him that by so doing he placed me in a dreadful position. Do what I could, I must be exposed to censure. If I refused to take the command, my reputation would be hopelessly impaired. If I accepted and went into battle with troops so badly armed, there was nothing for me but disgrace or death. We had no bayonets, and at the first charge by the enemy must give way,

and might possibly be held responsible for the defeat of a whole army, to our eternal shame and disgrace. Added to this, our men would be exposed to severe weather with insufficient clothing, and most of them never had been exposed to measles, a disease which had given much trouble in all the Southern camps. Three or four thousand cases of measles in the heart of winter must occasion much fatal suffering, and I would, of course, be held accountable for it all. I had already suffered much in consequence of that sort of unreason, and begged to be excused from making myself again a target.

These representations had no effect, the governor saying bluntly that somebody must shoulder these annoyances and difficulties, and it might as well be one as another. He had selected me because he believed I would do better by the troops than any one else he could command, and it could not be regarded as a personal matter. Our first duty was to the State.

Not being able to refuse without disgrace, there was no alternative but to accept, which I did with a full conviction that my path would be a thorny one.

Governor Pettus remarked to me that he had been advised to be prompt in his appointments, as many applications would be made for the positions.

The governor at once issued his proclamation, calling for troops to rendezvous at Grenada and

Corinth. Before I left Jackson for headquarters at Corinth, I obtained a promise from the governor that he would, within five days, send a full stock of supplies for the troops, including tents, and fifty thousand dollars for the use of the quartermaster. I also informed him that Colonel William Duncan would be the quartermaster. To my great surprise and chagrin, when I arrived at Corinth, there were tents for two companies only, and not one morsel of provision, or one dollar for use. Two companies were on the train with me.

I saw Colonel Duncan, and obtained a loan of five thousand dollars for immediate use. Duncan was a most active and efficient officer. I never knew his superior. He procured wagons, hauled straw, and purchased provisions, with so much energy that before the sun went down the troops present were fairly well provided for. Poor fellows! Before two years went over their heads, they looked back upon this as luxurious plenty.

By telegraphing to Memphis, we received tents on the next train, and a hundred thousand rations. I also sent Governor Pettus a scolding by telegraph, because he had failed to send supplies and money. In response, the money came promptly, and thus provided Colonel Duncan was able to meet every emergency. His indomitable energy and fine executive ability proved invaluable. Every provision was made for the health and comfort of the men, and the different companies as

they arrived found suitable preparations for them. The colonel worked like a beaver, and made everybody else work when he was in sight.

Before I left Jackson, I had a visit from Judge Smith, who expressed a wish to go with me and take part in the fight which was supposed to be impending. Upon this, I offered him a place upon my staff, which he accepted. I considered this a very great honor to me, as he was a gentleman of sixty-five years of age, of unusual dignity of character, a ripe scholar, and the ablest jurist in the State, excepting Judge W. L. Sharkey. In a few days after my arrival at Corinth, Judge Smith came in company with Captain —, of Natchez.

This youthful captain brought with him a fine body of young men, taken from the wealthiest and most cultivated families of Natchez. The company was well-drilled, and eager for service.

About twenty-five hundred volunteers had reported to me in the first two weeks, while the same number had reported to General Alcorn at Grenada. General Polk was in command at Columbus, Kentucky, and General Sidney Johnston at Bowling Green.

General Polk was very uneasy for his rear. He knew it was possible for General Grant to ascend the Tennessee River and march out to Union City, thus cutting off all supplies, and all communication with the South. This proper anxiety caused him to urge forward these sixty-day Mississippi volun-

teers. General Johnston was also threatened with an attack by General Buell, then in camp on the Green River, and only forty miles away.

General Johnston directed that the troops should be sent to him from Corinth, and those at Grenada to General Polk. General Alcorn took his twenty-five hundred men, and was stationed at Union City, Kentucky, a handsome town on the Mobile and Ohio Railroad.

I went directly to Bowling Green, Kentucky. An advance by General Buell was expected every day. This was prevented, as was supposed, by the severity of the winter, which exceeded anything I had ever known. My men, accustomed to a milder climate, and unused to privation, suffered terribly. The snow lay on the ground for weeks, everything was frozen, and bitter winds howled and tore throughout the camp. Most of the men were poorly shod — shoes were hard to come by in the Confederacy — and their feet were wretchedly frost-bitten.

As might have been expected, measles now broke out among them, and in a few days there were fifteen hundred cases. Many of these cases terminated in pneumonia, which was too often fatal. After the first three weeks, if called to battle I could not have mustered more than seven or eight hundred men fit for duty, and these would have been armed with double-barrel guns, warranted to snap on the trigger more than half the time.

It was almost impossible to get medicine, or needful comforts for the sick. The surgeons declared that whiskey must be had for those ill with measles, and no whiskey was to be found. I made requisition for a barrel of Kentucky shuck whiskey, and in my requisition said that I would not receive any inferior article, but would take my men home if proper remedies were not supplied. The shuck whiskey was supplied, and my poor fellows found great benefit from it.

Friends from other commands occasionally took consolation from a glass of the exhilarating fluid. General Breckenridge, with whom I had become intimate at Washington, was my neighbor at this time, his brigade having been thrown thirteen miles in advance, to watch Buell's movements. Breckenridge came over to Bowling Green every few days, and his handsome face and person was a familiar object at my headquarters. He was a goodly sight, sitting on stool or table, with a glass of old shuck in his hand, and that grand voice of his vibrating through the tent like a deep-toned bell. When he went away, he generally produced a small demijohn, artfully concealed somewhere, and, as he said, "loaded up for emergencies."

He once asked me how I happened to have the good fortune of getting such a barrel. I told him it was because the general in charge felt a peculiar tenderness for my Mississippians, as it was upon

our fine double-barrels he relied to save his whole army when the hour of danger came. Therefore he feasted us.

Breckenridge laughed heartily, and said the chief was right. Men armed with those guns *ought* to have everything possible to support their spirits, even genuine old Kentucky shuck. Poor Breckenridge! He is dead now, but I fancy I can see him laughing and merry. He was not only a most elegant gentleman, but genial and full of spirit, and ready to meet the worst of days with a sort of gay courage that sat well upon his stalwart manhood.

CHAPTER XXXIX.

THERE is an old proverb that "As the day lengthens, the cold strengthens," and it was fully verified that unlucky winter. Day by day the cold became more bitter, the storms grew darker and wilder, and the roads became more desperately bad. Our men bore their sufferings heroically, but it was a fearful time, and one that tried a man's courage more than a pitched battle. I cannot speak too highly of the patience and cheerfulness with which these brave fellows endured dreadful trials.

General Johnston received information of a movement of the enemy of which he determined to take advantage. A force nearly equal to Johnston's had been thrown up the Green River to a point where it was crossed by a macadamized road leading to Nashville.

The object of this movement was to get in Johnston's rear, Buell having determined to attack him in a few days. Should the attack prove successful, this division would outmarch General Johnston, and reach Nashville in advance of him, thus forcing him down on the Cumberland River with General Grant in his front.

General Johnston determined not to wait for this movement, but to anticipate it by attacking this threatening force, and dispersing it, if possible. He prepared to march the next morning. It was necessary to hold General Buell's force in check, and I was put in command of the forts at Bowling Green, with six thousand troops in addition to my own.

My orders were to hold out to the last extremity. That night a terrific rain and hailstorm passed over us, and the downpour lasted for hours. It might have been said of the Confederacy that, like Sisera, the very "stars in their courses fought against her."

Next morning, the ice-bound roads were found completely thawed, and in consequence well-nigh impassable even for a foot-passenger. All efforts to move either cannon or wagon proved unavailing. The project was of necessity abandoned, and General Johnston was obliged to remain inactive at that point until the fall of Fort Donelson.

When the sixty days for which my troops had been furnished expired, I was ordered home by the governor. On my return home, I had no time to lose in preparing to leave again for Richmond, which had by this time become the capital of the young Confederacy.

The convention which adopted the constitution of the Southern Republic resolved itself into a provisional Congress, which proceeded to put all

the departments of the new government in motion. After locating the seat of government at Richmond, and providing for the election of president and vice-president, members of Congress, etc., it had provided that the president-elect should be installed on the 22d day of February, 1862, and that the first session of Congress should be organized on the same day.

I was fortunate enough to make the journey as far as Bristol without delay, but at that point failed to make connection, and had to remain over until the next evening. All day the weather was cold and uncertain, and snow fell at intervals. It was on this day that the battle of Fort Donelson was fought, and at night the surrender made. Well might a leaden sky hang over the Confederacy like a pall, and the bitter wind wail as if it whispered tidings of this beginning of the end.

At dark the train came, and passengers could again take up the journey. We were far on our way to Lynchburg, when, being delayed for a short time at a station, we were furnished with a copy of a telegram to the war office at Richmond. It purported to be from General Pillow, and announced that a great battle had been fought, and a glorious victory won, and that the enemy had been driven into the river.

This was great news, if true, and the cars became the scene of the wildest and most thrilling excitement. Every one who had a bottle of any-

thing stronger than milk produced it, and joy and good fellowship ruled the hour.

About daylight we arrived in Lynchburg, and the conspicuous absence of any demonstrations of rejoicing rather damped our spirits. The city had the aspect of gloom and depression, and the people whom we saw on the streets and in the hotels wore an expression of despondency that chilled our hopes. No news of a battle had been received from any quarter.

This was depressing, and we went on to Richmond, fearing the gloomiest contradiction to that misleading telegram. It was almost dusk when the train reached Richmond. Everything seemed dismal and dreary. Officials came and went rapidly upon the streets, and citizens went about their business silently as if uneasy and depressed. I was soon informed by certain members of Congress who had arrived before me that our forces at Fort Donelson had met with repulse, if not disaster, and the silence of the officials warned us to expect the worst. No intelligence could be obtained, and apprehension merged into certainty.

Tuesday morning revealed the awful story of complete rout at Fort Donelson, and the further fact that grave apprehensions were felt as to the fate of Stonewall Jackson and his command in the valley of the Shenandoah. It was rumored that Jackson had thrown himself, without orders, between the forces of Banks and Fremont, and that there could be no hope of his escape.

Two such overwhelming disasters, coming in quick succession, could not fail to discourage the stoutest heart, and it was openly said upon the streets that all hope of Southern independence was crushed forever. This feeling of despair might have led to still greater mischief, but in the evening better tidings came to raise public spirit. General Banks had been disastrously defeated, and was in full retreat in the direction of Washington. On the next day we learned that General Fremont was also badly beaten, and in full retreat.

This good news dispelled some of the gloom which had overshadowed the city, and our people, with the mercurial temperament which is our birth-right, began to indulge once more in airy visions, not the less pleasing because built upon "the baseless fabric of a dream."

Thus dawned upon Richmond and the South the morning of the 22d of February, appointed for the ceremonial of inauguration and the meeting of the two houses of Congress. After the houses were organized, the representative members repaired to the senate chamber, where the President and Vice-president, and the Chief Justice of the supreme court had already taken their places. Mr. Boccock, Speaker of the House, took his station on the stand with them, and the oath of office was solemnly administered. All this time a cold rain fell in torrents, and people whispered to each other what an evil omen it was, and how

everything conspired to make the day dismal and wretched.

An immense canvas awning had been hastily spread in front of the State House, and beneath its shelter a great crowd gathered to hear the inaugural address. Hundreds of ladies braved the storm, and stood for hours in the cold and wet, listening to the President with the greatest enthusiasm. Indeed, it may be said that throughout the Confederacy, the women everywhere manifested the most unswerving courage and devotion, and met countless privations, sacrifices, griefs even, with wonderful patience and spirit.

When the President began to speak, he did not appear to notice that his stand was so placed that the rain beat pitilessly upon his uncovered head. Some one caught up an umbrella and held it over him.

At the conclusion of his speech, the crowd dispersed, and the new government was finally launched upon its fatal voyage.

I was in the senate chamber, and did not hear the President's address, but I knew that he spoke brave words in that noble voice, which might tremble with generous emotion, but was never known to falter with craven fear. He stood there in his perilous preëminence with the future more black before him than the storm clouds which darkened above his head, and the princely bearing of the man well became the chief of a great people.

From that day of evil omen, he trod firmly and steadily the path that led him to his cell in Fortress Monroe, where in his dauntless captivity, he was crowned with the passionate love and reverence of millions who had followed him to ruin and defeat.

I have been often spoken of as a man of an over-sanguine temperament, prone to see things through the medium of my hopes rather than of my fears, but I will confess that at this time I could not be accused of any undue cheerfulness of spirit. Every step taken up to that time had been, as I thought, defeated by tardiness of movement and inadequate preparation, and I could discover no indications of an improved system for the future.

In a conversation which I had about this time with Mr. Benjamin, the secretary of war, he said to me, "There is no doubt that the Southern Confederacy will be recognized by England in ninety days, and that ends the war." I asked him if he would not, in the mean time, make vigorous preparations, and endeavor to drive the enemy out of Tennessee.

He replied that it was wholly unnecessary. I then said that even if recognition by England was certain, and that it would certainly end the war, there might be grave questions to be considered, and grave consequences to be provided for. As for example, if the peace should be declared, each

party would, of course, claim all the territory held when the war closed. Was Mr. Benjamin prepared to give up Tennessee and Kentucky?

His answer was, "We shall hold from the Memphis and Charleston Road south, and the Northern States can keep what is north of that line." I was astonished by this reply, and told him plainly that if we could hope for no better result than he promised, I, for one, would rather go back in the Union without further bloodshed.

Speaker Bocock was prompt in reporting committees, and I was put upon the military committee, of which Mr. P. Miles, of Charleston, was chairman. After a few days, I discovered, with sincere regret, that I could not honestly declare myself in harmony with the other members of the committee or with the administration. There was a radical and irreconcilable difference in our views upon all the questions and measures of the war. This sprang from the fact that I was for a bold, aggressive policy, while they advocated caution and delay.

I believed that our only hope was to concentrate all the forces we could raise into two great invading columns, and then boldly carry the war into the enemy's country. I argued that it depended largely upon which side took the initiative steps, which section should be invaded, wasted, and destroyed.

Other members of the committee were confident

that the war would be ended in ninety days, and they were opposed to what they considered useless expense. The cry of the demagogue rang long and loud, "The poor people must not be taxed." This is a favorite watchword for those who court popularity, and I have heard it used with some success both before and since that time.

Realizing this condition of affairs, I made application to the House to be relieved from further connection with the committee, upon the ground that I was an obstacle to its progress. I was excused, and had not afterwards any connection with any committee. A short time thereafter a new committee was created by the House, and Bocoek sent a note to me in my chair in which he asked if I *wanted* to be chairman of it. To this I replied No, though I would have said Yes, if he had simply asked me to accept the place.

It is needless now to discuss the efficiency of the general legislation of that period. I can only say that I sustained very little of it. In the fall of 1863 a bill was introduced into the House, exempting from military service any man who owned twenty negroes. It was referred to a committee, and reported back favorably, and a speech of half an hour in length made in support of the bill.

I replied in a speech of the same length in opposition.

I then called for the ayes and noes. The call was granted as a favor to me, and, perhaps, in

some derision of the foreseen result. I was very earnest in my opposition to the bill, and warned the House that to pass such a measure would be to disband the army. My vote was the only one cast against it, the House voting for it with some clamor and vociferation. There was some laughter over my isolated stand-point, but I said, "Laugh on, my merry gentlemen, in a short time you will laugh on the wrong side of your faces!"

A few members afterwards changed their votes to "No." The effect of the bill was just what might have been anticipated. No sooner was the news carried to the army than the soldiers became infuriated. The officers had great difficulty in keeping the army together until Congress could meet and repeal the obnoxious law.

I remember well what a scene we had when Congress met, and the Speaker announced the House ready for business. Fifty members sprang to their feet, and offered resolutions to repeal this law, each eager to be before all others in his recantation. The Speaker recognized Mr. Dowdle, of Alabama, sent from some point on the Coosa River. The rules were suspended, and the resolution hastily passed.

It was my turn to laugh then. Years afterwards it was basely charged by personal and political enemies of mine, that I had voted for what was called the "Twenty Nigger Bill," in spite of the well-known fact that my opposition had been

made conspicuous, not alone by the only speech made against it, but by the single vote cast in opposition.

After the fall of Fort Donelson, and the surrender of the troops under command of General Floyd, General Sidney Johnston fell back from Bowling Green to Nashville, pursued by the large force under General Buell.

General Johnston reached Nashville successfully, but was so overmatched that he continued his retreat to Murfreesboro. The Tennessee delegations, at this intelligence, became so wild with rage that they demanded the instant removal of General Johnston. They were frantic with grief and rage, and would listen to no reason.

The President stood firm. He declared that if General Johnston was not an able general, not one could be found in the Confederacy. The most violent attacks and savage denunciations were made against him.

Now I had been at Bowling Green for two months, and had learned there not only to feel confidence in General Johnston's ability and devotion to the cause, but to understand something of the difficulties of his position. I knew how small his army was, and how unwilling the war department had been to allow him reinforcements. He had stood for months with a mere handful of men, badly armed and equipped, and so poorly fed that the men were hardly fit for duty, before a large

force, splendidly appointed and furnished with abundant supplies.

Knowing all this, I felt bound to defend General Johnston to the extent of my ability. In my speech I denounced the whole policy of the war, and the stupendous folly of the provisional Congress in entering upon a gigantic conflict with such puerile and inadequate preparation.

This speech gave great offence to the administration, so that I had afterwards no influence, nor indeed much personal intercourse, with heads of government. I felt from that time that I was a mere spectator in the final acts of our tragedy.

In May, 1864, I became satisfied that the immense augmentation of the enemy's military resources, already so disproportioned to our own, took away almost every hope of success still remaining in our hearts.

The only hope I could see — and it was born of desperation — was in concentrating our entire forces into two invading columns; one under General R. E. Lee in Virginia, and the other at Tullahoma in Tennessee. I went to the adjutant-general's department, and was informed that it would be possible to supply General Lee with two hundred and fifty thousand efficient soldiers. This would necessitate the abandonment of every defensive point in Georgia, South Carolina, North Carolina, and Virginia, and the calling in of quartermasters, commissioners, and their laborers. It

was also stated that a force of equal magnitude could be furnished General Johnston at Tullahoma. This would require the abandonment of Vicksburg, Fort Hudson, Mobile, and other points in Mississippi and elsewhere.

For this purpose I prepared a bill, providing that these measures should be carried out, and that General Lee should move, as soon as the result was accomplished, upon some point on the Potomac, and carry out the scheme of invasion. Also that General Johnston should advance upon General Buell, then near Nashville, driving him, if possible, across the Ohio River, and making every effort to invade the enemy's country. I endeavored to show that this movement by General Johnston would force General Grant to abandon Vicksburg and the whole South, and put himself upon his own territory to repel invasion. Two such armies on the Potomac and Ohio rivers would have driven the enemy to divide their forces into several grand divisions to defend important points, and left Lee and Johnson to choose their points of attack, or to remain in camp until some adjustment of difficulties could be negotiated. I urged these measures with what little force of argument I possessed, though with small hope of success. The bill received but two votes besides my own.

Upon the announcement of this result, I sat down at my desk and wrote out my resignation, and sent a copy to the speaker, and one to the governor.

If this active policy had been adopted, we might have been spared the slaughter at Gettysburg, the surrender of Vicksburg and Fort Hudson, and the bloodshed at Chattanooga. Atlanta might not have been laid in ruins, and the march to the sea might not have won immortality for Sherman. Hood might not have been left to work out his follies, and the end might have come in a less ignoble manner. Such speculations are worse than useless now.

The end came, bringing woful and bitter days to our people. Even now the recollection of that anguish and humiliation smites upon the hearts of those who endured it.

With what courage and heroic patience the South took up her changed existence belongs to the story of Mississippi as she is now. The old Mississippian ends his rambling tale here.

In a little while, all those who were actors in the great war will have passed away. Let us hope that with them all the evil passions it engendered may be buried out of mind. All nature points to healing and renewal.

A few years ago, and countless battle-fields still presented ghastly tokens of the time when brothers, speaking the same dear mother tongue, lifted up vengeful hands in fratricidal strife. Day by day the sun has shone upon these fields; the gentle stars have looked down upon them through long summer nights. In winter the snow has

fallen lightly above the trenches ploughed by deadly missiles, and the summer dew has softly blessed the sod where many a crushed body lay, and from whence many a brave soul went up to God.

Swiftly, with noiseless touches, the scarred bosom of mother earth has been covered with flowers and verdure; and when spring returns "to deck the hallowed mould," the waste places smile under Heaven's own benediction of peace and tranquillity.

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